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Handbook of Africa's International Relations

Edited by Tim Murithi

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Africa's international relations have often been defined and framed by the dominant international and geopolitical agendas of the day. In the aftermath of colonialism, the Cold War became a dominant paradigm that defined the nature of the continent's relations with the rest of the world. In the post-Cold War world, the contemporary forces of globalization are now exerting an undue influence and impact on Africa's international relations. Historically, the continent's ability and capacity to advance its interests has also been undermined by the lack of political will among African leaders to find ways to address their differences and collectively solve their problems. However, increasingly, Africa is emerging as a vocal and, in some respects, an influential actor in international relations. There is a paucity of analysis and research on Africa's international relations, and this timely book proposes to fill this analytical gap. It will appeal to undergraduates, postgraduate students, academics, policy makers and developmental practitioners who have an interest in Africa's emerging role in the international sphere.

The emerging political prominence of the African continent on the world stage is predicated on an evolving internal process of continental integration. In particular, there are normative and policy efforts to revive the spirit of Pan-Africanism and how it informs the continent's international relations. Consequently, this book will also engage with the emerging role of the African Union (AU) as an international actor. The book will assess a selection of institutional developments, issues and policy frameworks that the AU has adopted as a vehicle for Africa interests. In addition, the book will assess how global governance has impacted on Africa and will also consider the continent's evolving international partnerships.

The book is structured into five parts which include content on:

- Theories and the historical evolution of Africa's international relations
- Institutional developments relating to the African Union
- Issues and policy areas on Africa's international relations
- Global governance and Africa
- Africa and international partnerships.

Tim Murithi is a Research Fellow with the African Gender Institute at the University of Cape Town and the Head of the Justice and Reconciliation in Africa Programme at the Institute for Justice and Reconciliation in Cape Town, South Africa. He is author of *The African Union: Pan-Africanism, Peacebuilding and Development*, published by Ashgate, and *The Ethics of Peacebuilding*, published by Edinburgh University Press.

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Editor: Tim Murithi

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Contributors

Seifudein Adem, PhD, is Associate Professor of Political Science at Binghamton University, USA. He was Professor of International Political Economy at University of Tsukuba, Japan. He is editor of *Japan: A Model and a Partner* published by Brill in Leiden, Netherlands, and author of numerous academic articles about Japan–Africa relations.

John Akokpari, PhD, is a Senior Lecturer in the Department of Political Studies, University of Cape Town (UCT), South Africa. He is the co-editor of *The African Union and its Institutions* published by Jacana Media, in Johannesburg, South Africa.

Doreen Alusa is an International Relations Lecturer in the School of Humanities and Social Sciences at the United States International University (USIU) in Kenya. She is on the steering committee of the UK government-funded Development Partnership in Higher Education (DELPHE) project at USIU and is finalizing her PhD in International Politics at the University of South Africa. She has various publications in the areas of East African foreign policy, food security, and regionalism including: ‘Regional Integration and Food Security in East Africa’ (2008), and *GMO Politics: Implications for Africa’s Food Export Commodities* (2010).

Sarah Ancas is a Researcher in the Faculty of Law at the University of Cape Town (UCT) and holds an MPhil from the UCT Department of Political Studies, University of Cape Town, South Africa.

Kwesi Aning, PhD, is Director, Faculty of Academic Affairs and Research (FAAR), Kofi Annan International Peacekeeping Training Centre (KAIPTC), Accra, Ghana. He was previously an expert for the African Union on counter-terrorism. He has worked with the United Nations’ Department for Political Affairs (DPA) and serves on the World Economic Forum’s Conflict Prevention group. He has extensive journal and book chapter publications, focusing on conflict and security issues. He obtained his PhD from the University of Copenhagen, Denmark.

Valentina Bartolucci is a Lecturer at the University of Pisa, Italy, and at the Marist Branch campus of Florence, Italy. She is also an Associated Fellow of the University of Bradford, UK. Previously, she was a Visiting Fellow at the CERI, Science Po, Paris. Her most recent publication is ‘Terrorism Rhetoric under the Bush Administration: Discourses and Effects’, in the *Journal of Language and Politics*. She received her PhD from the University of Bradford, UK.

Adam Branch, PhD, is Senior Research Fellow at the Makerere Institute of Social Research, Kampala, Uganda, and Associate Professor of Political Science at San Diego State University, USA. He is the author of *Displacing Human Rights: War and Intervention in Northern Uganda* published by Oxford University Press.

Paul Clements, PhD, is Professor of Political Science and Director of the Masters of International Development Administration Program at Western Michigan University, USA. His recent publications include *Rawlsian Political Analysis: Rethinking the Micro-foundations of Social Science* published by University of Notre Dame Press, ‘Evaluating the Cost Effectiveness of Heifer International Country Programs’, in the *Journal of Multi-Disciplinary Evaluation*, and ‘The World Bank for Africa or the World Bank for the World Bank?’, in Jack Mangala (ed.) *Africa and the New World Era: From Humanitarianism to a Strategic View* published by Palgrave Macmillan.

Gustavo Barros de Carvalho is the Coordinator of the Peacebuilding Unit of the African Centre for the Constructive Resolution of Disputes (ACCORD), based in Durban, South Africa. Gustavo holds a Master’s degree in African Studies from the University of Oxford and a Bachelor degree in International Relations from the University of Brasilia. His areas of interest range from broader peace-building issues, including issues related to local ownership in peace-building, peace-keeping–peace-building nexus, and South–South co-operation mechanisms.

Cedric de Coning, PhD, is the Head of the Peace Operations and SSR Research Group at the Norwegian Institute of International Affairs (NUPI), and an Adviser on Peacekeeping and Peacebuilding to the African Centre for the Constructive Resolution of Disputes (ACCORD), based in South Africa. He is author of *Peacebuilding’s Inherent Contradictions*, and *Coherence and Coordination: The Limits of the Comprehensive Approach*.

Solomon Dersso, PhD, is Senior Researcher at the Institute for Security Studies, in Addis Ababa, Ethiopia. He is also a Visiting Professor with the Department of Law, Addis Ababa University. He has served as an adviser to the African Union. He is author of *The African Human Rights System and the Issue of Minorities* published by the University of Pretoria.

Romain Esmenjaud, PhD, has recently completed a thesis on the ‘Africanisation and African Ownership of Peace Operations’. He has published several articles on peace and security matters in Africa, including ‘Who Owns African Ownership? The Africanisation of Security and its Limits’ (with Benedikt Franke), published in the *South African Journal of International Affairs*. He received his PhD from the Graduate Institute of International and Development Studies, Geneva, Switzerland.

Dorcas Ettang is a Lecturer and Doctoral Candidate in the Conflict Transformation and Peace Studies Programme at the University of KwaZulu-Natal in Durban, South Africa. Previously she served as an analyst with the Peacebuilding Unit at the African Centre for the Constructive Resolution of Disputes (ACCORD). She is the author of ‘Arms Trafficking in West Africa’, in R. Thakur and J. Heine (eds) *Globalization: The Role and Regulation of Civil and Uncivil Society*, published by the United Nations University Press in New York, and ‘The DRC’s National and Regional Security Nexus’, published in the journal *Peace Review*.

Bina Fernandez, PhD, is a Lecturer in Development Studies at the School of Social and Political Sciences in the University of Melbourne, Australia. She was previously a Lecturer at Leeds University in the United Kingdom. She is author of *Transformative Policy for Poor Women: A New Feminist Framework* published by Ashgate.

Lorenzo Fioramonti, PhD, is Jean Monnet Chair in Regional Integration and Governance Studies and Associate Professor of Political Science at the University of Pretoria (South Africa),

Contributors

where he directs the Centre for the Study of Governance Innovation. He is also Senior Fellow at the Centre for Social Investment of the University of Heidelberg and at the Hertie School of Governance (Germany), and Associate Fellow at the United Nations University Comparative Regional Integration Studies (Belgium). His most recent books include: *Gross Domestic Problem: The Politics Behind the World's Most Powerful Number* (Zed Books 2013), *Regions and Crises: New Challenges for Contemporary Regionalism* (Palgrave 2012), *Regionalism in a Changing World* (Routledge 2012), and *European Union Democracy Aid* (Routledge 2010).

Carol Jean Gallo is a freelance writer currently blogging at *UN Dispatch*. She is a doctoral candidate at the University of Cambridge, UK. She has written and consulted for Freedom House and the United Nations Department of Peacekeeping Operations. Her work on security, conflict and development in Africa has been published in the *Yale Journal of International Affairs*, *UN Dispatch*, the University of Oxford's *St. Antony's International Review*, the Peace Dividend Trust blog, and *New Directions in Genocide Research*, edited by Adam Jones.

Clarisa Giaccaglia, PhD, is Professor of International Relations at the National University of Rosario in Argentina. She is co-ordinator of the Rosario Group of Indian Studies. She has written *Las iniciativas multilaterales de los poderes emergentes desde una perspectiva latinoamericana. Las estrategias de quodlibet de IBSA—India, Brasil y Sudáfrica* published by UNR Editora, Rosario, in 2013.

Toni Haastrup is a Fellow in International Security in the Department of Politics and International Studies (PAIS), University of Warwick, United Kingdom. She has recently completed work on her first monograph, *Charting Transformation through Security* (Palgrave, 2013), which examines contemporary EU-Africa security relations. Her present research focuses on the framing of gender perspectives within the African Union, particularly gender mainstreaming in the African Peace and Security Architecture.

Thomas Obel Hansen, PhD, is an Assistant Professor of International Law at the International Relations Department of the United States International University, Nairobi, Kenya. He also works as an independent consultant. He holds an LLM and PhD in law, with a focus on transitional justice, from Aarhus University Law School in Denmark. He has consulted, lectured and published widely in the areas of international criminal law, human rights and transitional justice.

Tony Karbo, PhD, is a Senior Programme Officer and Associate Professor for the United Nations Affiliated University for Peace (UPEACE) Africa Programme in Addis Ababa, Ethiopia. He was previously a Senior Lecturer and is currently an Adjunct at the Institute of Peace, Leadership and Governance (IPLG) at the Africa University of Zimbabwe. He is also an Associate Director and Trainer for the South-North Centre for Peacebuilding and Development. Previously, he was the southern and eastern Africa representative for the Institute of Multi-Track Diplomacy (IMTD). He is the co-author (with Erin McCandless) of *Peace, Conflict and Development in Africa: A Reader*. He has a PhD in Conflict Resolution from George Mason University, USA.

George Klay Kieh, Jr, PhD, is currently Professor of Political Science at the University of West Georgia, USA. Prior to that, he served as Dean of the College of Arts and Sciences at the University of West Georgia, Dean of International Affairs, Grand Valley State University, Michigan, USA, and Chair of the Department of Political Science at Morehouse College, Georgia, USA. His most recent books are *Liberia's State Failure, Collapse and Reconstitution*, and *West Africa and the U.S. War on Terror*.

John Kotsopoulos, PhD, is an independent consultant and think-tank expert specializing in EU-Africa relations. He recently completed a PhD dedicated to the Joint Africa-EU Strategy from the University of Kent, Brussels.

Gladys Lechini, PhD, is Professor of International Relations at the National University of Rosario, Argentina, where she is also Director of the Programme on South-South Relations and Co-operation (PRECSUR) and of the Rosario Institute of Studies of the Arab and Islamic World. From 2003 to 2007, she served as the co-ordinator of the South-South Programme at the Latin American Council of Social Sciences. She is the author of *Argentina y Africa en el Espejo de Brasil* published by Clacso, and *Argentina and South Africa Facing the Challenges of the XXI Century: Brazil as the Mirror Image* published by UNR. She is the editor of *Globalization and the Washington Consensus: Its Influence on Democracy and Development in the South*, and *Los estudios afroamericanos y africanos en América Latina. Herencia, presencia y visiones del otro*, both published by Clacso. She is co-editor of *Argentina e Brazil. Vencendo os preconceitos. As várias arestas de uma concepção estratégica* published by Revan.

Elena Lioubimtseva, PhD, is Director of the Environmental Studies Program and Associate Professor of Geography and Planning at the Grand Valley State University, USA. She is author of numerous publications on climate change.

Walter Lotze, PhD, works in the Peace Support Operations Division of the African Union Commission in Addis Ababa, Ethiopia. Prior to joining the African Union he was a Visiting Researcher at the Norwegian Institute of International Affairs (NUPI), before which he headed the peace-building work of the African Centre for the Constructive Resolution of Disputes (ACCORD). He holds a PhD in International Relations from the University of St Andrews.

Grace Maina, PhD, is a Programme Officer at the United Nations Mission in Sudan, Juba, South Sudan, and a former Knowledge Manager at the African Centre for the Constructive Resolution of Disputes (ACCORD), Durban, South Africa. She has authored several articles on peace-building.

Zachariah Mampilly, PhD, is an Assistant Professor of Political Science and African Studies at Vassar College. Between 2012 and 2013, he was a Fulbright Visiting Professor in the Department of Political Science at the University of Dar es Salaam, Tanzania. He is the author of *Rebel Rulers: Insurgent Governance and Civilian Life during War*, and the co-editor of *Peacemaking: From Practice to Theory*.

Jack Mangala, PhD, is an Associate Professor with the Brooks College of Interdisciplinary Studies, Grand Valley State University, Michigan, USA. His most recent publications include *Africa and the New World Era: From Humanitarianism to a Strategic View* published by Palgrave, *New Security Threats and Crises in Africa: Regional and International Perspectives*, and *Africa and the European Union: A Strategic Partnership* all published by Palgrave.

Henning Melber, PhD, is Senior Advisor and Emeritus Executive Director, Dag Hammarskjöld Foundation, in Uppsala, Sweden. He is Extraordinary Professor with the Department of Political Sciences, at the University of Pretoria and the Centre for Africa Studies at the University of the Free State both in South Africa. He is the author of numerous articles on Southern Africa, governance and development and is co-editor of *The New Scramble for Africa: Imperialism, Investment and Development* published by the University of Kwa-Zulu Natal Press.

Contributors

Emezat H. Mengesha, PhD, is Head of the Institute for Economic Research in Addis Ababa, Ethiopia. She has also worked with the Centre for Development Policy, Addis Ababa.

Berouk Mesfin is a Senior Researcher in the Conflict Prevention and Risk Analysis Division of the Institute for Security Studies, Addis Ababa, Ethiopia. Prior to joining the Institute for Security Studies, he worked as a political adviser to the US Embassy in Ethiopia. He was also a Lecturer in Political Science and International Relations at Addis Ababa University and as a defence analyst with the Ministry of National Defence in the Government of Ethiopia. He is co-editor of *Regional Security in the Post-Cold War Horn of Africa* published by the Institute for Security Studies.

Mireille Affa'a Mindzie, PhD, is a Senior Programme Officer with the International Peace Institute in New York, USA. She was formerly a Senior Researcher at the Centre for Conflict Resolution at the University of Cape Town in South Africa. She has worked as an adviser to the African Union.

Tim Murithi, PhD, is a Research Fellow with the African Gender Institute at the University of Cape Town and the Head of the Justice and Reconciliation in Africa Programme at the Institute for Justice and Reconciliation in Cape Town, South Africa. He was previously Head of the Peace and Security Council Programme at the Institute for Security Studies in Addis Ababa, Ethiopia; Senior Research Fellow with the Department of Peace Studies, University of Bradford, UK; Senior Researcher with the Centre for Conflict Resolution, in Cape Town; and Programme Officer with the United Nations Institute for Training and Research in Geneva, Switzerland. He has served as an adviser to the African Union. He is author of *The African Union: Pan-Africanism, Peacebuilding and Development* published by Ashgate, and *The Ethics of Peacebuilding* published by the Edinburgh University Press, UK.

Sabelo J. Ndlovu-Gatsheni, PhD, is the Head of Archie Mafeje Research Institute for Social Policy (AMRI) and Professor in the Department of Development Studies and founder and co-ordinator of the Africa Decolonial Research Network (ADERN) at the University of South Africa (UNISA). He previously worked as Senior Researcher at the South African Institute of International Affairs (SAIIA), Lecturer in African Studies at the Open University in the UK, Senior Lecturer and Head of Department of International Studies at Monash University, Australia and South Africa, and Lecturer in History and Development Studies at Midlands State University in Zimbabwe. He is author of *Zimbabweans Exist? Trajectories of Nationalism, National Identity Formation and Crisis in a Postcolonial State*, *Grotesque or Redemptive Nationalism! Rethinking Contemporary Politics in Zimbabwe*, and *Coloniality of Power in Postcolonial Africa: Myths of Decolonization* published by CODESRIA.

Cyril Obi, PhD, is the Programme Director of the Social Science Research Council's African Peacebuilding Network (APN). Previously, he was a Senior Researcher at the Nordic Africa Institute, Uppsala, Sweden. He has published extensively and is on the editorial boards of several international journals in the fields of international affairs, African security, politics, political economy and development. His most recent publication is a co-edited book on *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-Violence* published by Zed Books in London.

Kenneth Omeje, PhD, is Professor of International Relations at the United States International University (USIU) in Nairobi, Kenya. He is the author of *High Stakes and Stakeholders:*

Oil Conflict and Security in Nigeria, and editor of *Extractive Economies and Conflicts in the Global South: Multi-regional Perspective on Rentier Politics*, both published by Ashgate. He is also editor of *State–Society Relations in Nigeria: Democratic Consolidation, Conflicts and Reforms* published by Adonis & Abbey, and editor of *War to Peace Transition: Conflict Intervention and Peacebuilding in Liberia* published by the University Press of America.

Elias Omondi Opongo, PhD, is Director of Hekima Institute of Peace Studies and International Relations. He has published books and articles on conflict resolution, transitional justice, peace-building and Catholic Social Teaching. He is a Jesuit priest from Kenya, as well as a peace practitioner and conflict analyst. He holds a PhD in Peace and Conflict Studies from the University of Bradford, UK.

Katia Papagianni, PhD, is Head of Programme, Mediation Support Unit, Centre for Humanitarian Dialogue, Geneva, Switzerland. She is author of several articles on mediation and power sharing.

Kwesi Sansculotte-Greenidge, PhD, is the co-ordinator of the South Sudan Initiative at ACCORD. He also oversees ACCORD's Sudan Conflict Transformation Project. He obtained a PhD in Anthropology from Durham University, UK and a MA in African Studies from Yale University, USA. He has previous experience as a consultant working on conflict analysis in the Horn of Africa and an analyst for a consulting firm focusing on the Horn and the Caribbean Basin region. Additionally, Kwesi has lectured in the USA and the UK.

Liza Sekaggya is Human Rights Officer responsible for National Institutions and Regional Mechanisms at the Office of the High Commissioner for Human Rights in Geneva, Switzerland.

Yvette Selim is a doctoral candidate at the University of New South Wales, Australia. She teaches in Development and International Relations and has published journal articles on transitional justice. As a Rotary World Peace Fellow she completed a MA in Conflict Resolution at the University of Bradford, and she has also received a MA in Bioethics, a Bachelor of Law and a Bachelor of Medical Science. She has worked as a lawyer at an international law firm, as a legal counsel in Sri Lanka as part of the International Development Law Organization's post-tsunami project, and has worked with the United Nations in the Office of Legal Affairs and the Department of Disarmament Affairs.

Andrew Sherriff is Head of the European External Action Programme at the European Centre for Development Policy Management (ECDPM) in Maastricht, the Netherlands. He has a number of publications on aspects of European Union and African relations undertaken for European and African think tanks.

Thomas Kwasi Tieku, PhD, is an Assistant Professor at both the Munk School of Global Affairs and New College in the University of Toronto, Canada. He was formerly the Director of African Studies in the University of Toronto. He has advised the World Bank Group and Canada's Department of Foreign Affairs and International Trade. He has published articles in *Democratisation*, *African Affairs*, *Africa Today*, *African Security Review*, *Canadian Foreign Policy Journal*, and *International Journal*. He is the co-editor of the *African Journal of Political Science and International Relations*, and the author of *United States and Africa Relations in the Age of Obama*.

Contributors

Jason Warner is a doctoral candidate in African/African American Studies and Government at Harvard University, USA. He has worked, written and consulted for the United Nations Development Programme, the US Department of Defense, CNN.com, Freedom House, TransAfrica Forum and the Institute of Caribbean Studies. He is the former editor-in-chief of the *Yale Journal of International Affairs*.

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I sincerely hope that this book will encourage further analysis, debate and dialogue on Africa's international relations, with a view to improving the lives of all those who live on our continent. Our home!

Tim Murithi
Cape Town, South Africa
June 2013

Abbreviations

AAF-SAP	African Alternative Framework to Structural Adjustment Program for Socio-Economic Recovery and Transformation
ABC	Brazilian Cooperation Agency
ACDEG	African Charter on Democracy, Elections and Governance
ACP	African, Caribbean and Pacific
ACPMO	African Common Position on Migration and Development
AEZ	Agro-Ecological Zones model
AfDB	African Development Bank
AFRICOM	US Africa Command
Afrocom	Coordinating Committee for Economic Cooperation with Sub-Saharan Africa
AG	African Group
AGA	African Governance Architecture
AIDS	acquired immunodeficiency syndrome
AIR	African Institute for Remittances
AIR	Africa's International Relations
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISOM	African Union Mission in Somalia
AMU	Arab Maghreb Union
AOA	Agreement on Agriculture
AOGCM	Atmosphere Ocean General Circulation Model
APF	African Peace Facility
APPER	Africa's Priority Program for Economic Recovery
APRM	African Peer Review Mechanism
APS	African Partnership Station
APSA	African Peace and Security Architecture
AQIM	al-Qa'ida in the Islamic Maghreb
ASA	Africa-South America
ASF	African Standby Force
ASPA	South America-Arab Countries
ATT	Arms Trade Treaty
AU	African Union
AUC	AU Commission
BCO	Bangkok Country Office
BINUB	UN Integrated Office in Burundi
BNI	Bureau of National Investigation
BRICS	Brazil, Russia, India, the People's Republic of China, South Africa
C2C	College-to-College

CA	Constitutive Act
CADSP	Common African Defence and Security Policy
CAR	Central African Republic
CAT	Convention Against Torture
CCCC	Chinese Communications Construction Company Ltd
CEDAW	Convention for the Elimination of Discrimination against Women
CEEAC	Communauté Economique des Etats d’Afrique Centrale
CEMAC	Communauté Economique et Monétaire des Etats d’Afrique Centrale
CEN-SAD	Community of Sahel-Saharan States
CENTCOM	Central Command
CERD	Committee on Elimination of Racial Discrimination
CEWARN	Conflict Early Warning and Response Mechanism
CEWS	Continental Early Warning System
CFSP	Common Foreign Security Policy
CGPP	Committee on Governance and Popular Participation
CIA	Central Intelligence Agency
CJTF-HOA	Combined Joint Task Force–Horn of Africa
CNDD	National Council for the Defence of Democracy
CNOOC	China National Offshore Oil Corporation
CNPC	China National Petroleum Corporation
Co.	Company
COMESA	Common Market for Eastern and Southern Africa
CRC	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
DAC	Development Assistance Committee
DCI	Development Cooperation Instrument
DDR	disarmament, demobilization and reintegration
DoD	Department of Defense
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
DSB	dispute settlement body
EAC	East African Community
EACTI	East Africa Counterterrorism Initiative
EASBRICOM	Eastern African Standby Brigade Coordination Mechanism
EASBRIG	Eastern African Standby Brigade
EASF	Eastern Africa Standby Force
ECA	Economic Commission for Africa
ECCAS	Economic Community of Central African States
ECCASBRIG	ECCAS Brigade
ECDPM	European Centre for Development Policy Management
ECOBRIIG	ECOWAS Brigade
ECOMIL	ECOWAS Mission in Liberia
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEC	European Economic Community
EIDHR	European Instrument for Democracy and Human Rights

Abbreviations

EITI	Extractive Industries Transparency Initiative
ENSO	El Niño–Southern Oscillation
EO	Executive Outcomes
EPA	Economic Partnership Agreement
ESS	European Security Strategy
EU	European Union
EUCOM	European Command
EUFOR	European Union Force
FAO	Food and Agriculture Organization
FARC	Revolutionary Armed Forces of Colombia
FATF	Financial Action Task Force
FDI	foreign direct investment
FIS	Islamic Salvation Front
FNDIC	Federated Niger Delta Ijaw Communities
FOCAC	Forum on China–Africa Cooperation
FOMUC	Force Multinationale en Centrafrique
FPLC	Forces Patriotiques pour la Libération du Congo
FRONTEX	Frontières extérieures
FTO	foreign terrorist organization
G8	Group of Eight governments of the world’s wealthiest countries
G20	Group of Twenty finance ministers and central bank governors
G77	Group of Seventy-seven developing nations
GATT	General Agreement on Tariffs and Trade
GCAR	Global Compact for Africa Recovery
GCF	Green Climate Fund
GDP	gross domestic product
GHG	greenhouse gas
GIA	Islamic Armed Group
GIABA	Inter-Governmental Action Group against Money Laundering in West Africa
GNI	gross national income
GPAD	governance and public administration
HIV	human immunodeficiency virus
HR&D	human rights and democracy
HRC	Human Rights Council
HRW	Human Rights Watch
HSGIC	Heads of State and Government Implementation Committee
HSGOC	Heads of State and Government Orientation Committee
IAEA	International Atomic Energy Agency
IBSA	India, Brazil, South Africa (Dialogue Forum)
ICC	International Coordinating Committee
ICC	International Criminal Court
ICCPR	International Covenant for Civil and Political Rights
ICG	International Crisis Group
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
ICT	information and communications technology
IDA	International Development Association
IDP	internally displaced person

IGAD	Inter-Governmental Authority on Development
IGG	Inspector General of Government
IHL	international humanitarian law
IIASA	International Institute for Applied Systems Analysis
IIPE	illicit international political economy
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IOR-CAR	Indian Ocean Rim Countries' Association for Regional Cooperation
IPCC	Inter-Governmental Panel on Climate Change
IPE	international political economy
IPEP	Independent Panel of Eminent Persons
IPOA	International Peace Operations Associate
IR	International Relations
ISS	Institute for Security Studies
ITEC	Indian Technical and Economic Cooperation
JAES	Joint Africa-EU Strategy
JEG	Joint Expert Group
JIATF	Joint Interagency Task Force West
JICA	Japan International Cooperation Agency
JTF	Joint Military Task Force
KDF	Kenya Defence Forces
km	kilometre(s)
LDC	least developed country
LDP	Liberal Democratic Party
LGBT	lesbian, gay, bisexual and transsexual
LOA	logic of appropriateness
LRA	Lord's Resistance Army
Ltd	Limited
MAP	Millennium Partnership for the African Recovery Programme
MDGs	Millennium Development Goals
MEND	Movement for the Emancipation of the Niger Delta
MERCOSUR	Mercado Común del Sur
MFN	most favoured nation
MICG	Moroccan Islamic Combatant Group
MICOPAX	Mission de Consolidation de la Paix en Centrafrique
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINURSO	United Nations Mission for the Referendum in Western Sahara
MISAB	Mission de Surveillance des Accords de Bangui
MIT	Movement of the Islamic Tendency
MLC	Mouvement de Libération du Congo
MMEP	Migration, Mobility and Employment Partnership
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MOSOP	Movement for the Survival of Ogoni People
MoU	memorandum of understanding
MP	member of parliament
NACOB	Narcotics Control Board

Abbreviations

NAFTA	North American Free Trade Agreement
NAI	New African Initiative
NAM	Non-Aligned Movement
NAPAs	National Adaptation Programs of Action
NARC	North African Regional Capacity
NASBRIG	North African Standby Brigade
NATO	North Atlantic Treaty Organization
NDPVF	Niger Delta Peoples Volunteer Force
NEPAD	New Partnership for Africa's Development
NGO	non-governmental organization
NHRC	Nigerian Human Rights Commission
NHRI	national human rights institution
NMM	national monitoring mechanism
NPCA	NEPAD Planning and Coordination Agency
NPM	national preventive mechanism
NPP	New Patriotic Party
NTGL	National Transitional Government of Liberia
NWO	New World Order
OAS	Organization of American States
OAU	Organization of African Unity
OBR	Ogoni Bill of Rights
ODA	official development assistance
ODA	overseas development aid
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commission for Human Rights
ONGC	Oil and Gas Corporation
ONUB	United Nations Operation in Burundi
OP	Omega Plan
OPCAT	Optional Protocol to CAT
OPEC	Organization of the Petroleum Exporting Countries
OSAA	Office of the Special Advisor on Africa
PACOM	Pacific Command
PAP	Pan-African Parliament
PBC	Peacebuilding Commission
PBSO	Peacebuilding Support Office
PCRDR	Post-Conflict Reconstruction and Development
PIAP	Parliamentary & International Affairs Programme
PILOT	Partnership for Integrated Logistics Operations and Tactics
PJD	Justice and Development Party
PMC	private military company
PMSC	private military and security company
POC	protection of civilians
POLCIVEX	Police-Civilian Focused Exercise
PRSP	Poverty Reduction Strategy Paper
PSC	Peace and Security Council
PSC	private security company
PSOD	Peace Support Operations Division
PTA	preferential trade agreement

R2P	Responsibility to Protect
RCM	Regional Coordination Mechanism
REC	regional economic community
RM	Regional Mechanism (for Conflict Prevention, Management and Resolution)
RSLMF	Republic of Sierra Leone Military Forces
RUF	Revolutionary United Front
S&D	special and differential treatment
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCBRIG	SADC Brigade
SADCC	Southern African Coordinating Conference
SADPA	South African Development Partnership Agency
SAHRC	South African Human Rights Commission
SALW	small arms and light weapons
SAP	structural adjustment programme
SCA	Sub-Committee for Accreditation
SCAAP	Special Commonwealth African Assistance Programme
SIPRI	Stockholm International Peace Research Institute
SMPF	Strategic Migration Policy Framework
SPMH	Special Procedures Mandate Holder
SPS	Sanitary and Phyto-sanitary
sq	square
SSC	South-South Co-operation
SSR	security sector reform
STABEX	Stabilization of Export Receipts on Agricultural Products
SYSMIN	System of Stabilization of Export Earnings from Mining Products
TBT	technical barriers to trade
TCC	troop-contributing country
TCG	Tunisian Combatant Group
TDCA	Trade, Development and Cooperation Agreement
TEAM-9	Techno-Economic Approach for Africa-India Movement
TEC	Treaty establishing the European Community
TEU	Treaty on the European Union
TICAD	Tokyo International Conference on African Development
TOC	transnational organized crime
TRC	truth and reconciliation commission
TRIMs	Trade-related Investment Measures
TRIPS	Trade-related Aspects of Intellectual Property Rights
TSCTI	Trans-Sahara Counterterrorism Initiative
UHRC	Uganda Human Rights Commission
UN	United Nations
UN Women	United Nations Entity for Gender Equality and Empowerment of Women
UNAMID	African Union-United Nations Mission in Darfur
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change

Abbreviations

UNHCR	United Nations High Commissioner for Refugees
UNIA	Universal Negro Improvement Association
UNIFEM	United Nations Development Fund for Women (now UN Women)
UNIFIL	United Nations Interim Force in Lebanon
UNMIL	United Nations Mission in Liberia
UNMISS	United Nations Mission in the Republic of South Sudan
UNOCI	United Nations Operation in Côte d'Ivoire
UNODC	United Nations Office on Drugs and Crime
UNOWA	United Nations Office for West Africa
UNPBC	United Nations Peacebuilding Commission
UNPBF	United Nations Peacebuilding Fund
UNPO	Unrepresented Nations and Peoples Organization
UNPoA	United Nations Programme of Action on Small Arms and Light Weapons
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UPR	Universal Periodic Review
US(A)	United States (of America)
USAID	US Agency for International Development
USSR	Union of Soviet Socialist Republics
VSAT	Very Small Aperture Terminal
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WSF	World Social Forum
WTO	World Trade Organization
WWW	World Weather Watch
ZANU-PF	Zimbabwe African Nation Union-Patriotic Front
ZHRC	Zimbabwe Human Rights Commission
ZTE	Zhong Xing Telecommunication Equipments Co. Ltd

Introduction

The evolution of Africa's international relations

Tim Murithi

Introduction

The African continent has always featured prominently in global relations. The ancient and historical interaction of the civilizations in Carthage, Egypt and Nuba with the Roman Empire are illustrations of this fact. The issue has been that Africa's international relations have not necessarily always been on its own terms. Africa's international relations have often been defined and oriented by the dominant international and geopolitical agendas of the day. As such, Africa has more often than not been the subject of international relations dictated by external actors. As a direct consequence of this fact, the chronicles of Africa's international relations are also dominated by the perspectives of those who have invaded, enslaved, colonized and exploited the continent. This book is a timely attempt to document Africa's international relations from a range of perspectives from authors based within the continent as well as outside the continent.

In the aftermath of colonialism the Cold War became a dominant paradigm that defined the nature of the continent's relationship with the rest of the world. In the post-Cold War world, the contemporary forces of globalization are now exerting an undue influence and impact upon Africa's international relations. Historically, the continental ability and capacity to advance its interests has also been undermined by the lack of political will among African leaders to find ways to address their differences and collectively solve their problems. However, increasingly the African continent is emerging as a vocal and, in some respects, an influential actor in international relations. There is a paucity of analysis and research on this emerging trend. This timely book proposes to fill this analytical gap by engaging with a wide range of issues on which the African continent, and its constituent states, has expressed a position or advocated a set of specific policies. This introductory chapter will briefly discuss the evolution of Africa's international relations and outline the structure of the book.

The trajectory of Africa's international relations

The emerging political prominence of the African continent on the world stage is predicated on an evolving internal process of continental integration. In particular, there are normative and policy efforts to revive the spirit of pan-Africanism.¹ Pan-Africanism is the expression of this spirit of solidarity and co-operation among African countries and societies. The initial and primary aim of pan-Africanism was to end racial discrimination against people of African descent

including those in the diaspora. In the 20th century pan-Africanism was articulated by African intellectuals, scholars, politicians and citizens as a necessary prerequisite for creating the conditions that are vital to protect their right of Africans to take part and control their social, economic and political affairs, and achieve peace and development. The 21st century is witnessing the evolution of pan-Africanism, notably through the constitution and establishment of the African Union (AU), in 2002. Given the fact that there is a dearth of analysis on this phenomenon, this volume will also interrogate the notion of pan-Africanism through various lenses—notably peace and security, development, the environment and trade.

Consequently, this book will also engage with the emerging role of the AU as an international actor. The majority of Africa's common positions in the international forums have been expressed through the AU. These include the continent's positions on the reform of the United Nations (UN) Security Council; its position on climate change; its emerging controversial stand-off with the International Criminal Court (ICC); and its efforts to address the challenges of refugees and internally displaced persons (IDPs). Furthermore, the continent has adopted positions relating to development, international trade, the environment and public health issues. The continental body has a dual role of forging unity among its member states and advocating for their interests internationally. This book will assess how the AU's role as an international actor is complicated by the difficulty of promoting consensus among African states and then maintaining that consensus in the face of often divergent national interests. The book will assess a selection of issues that the AU has served as a rallying vehicle for Africa interests. In the field of peace and security, on development and trade issues as well as on climate change. This book will in part assess the role of the AU in articulating collective and joint policies and in making interventions in international decision- and policy-making circles. In addition, throughout the book the various chapters will touch upon how linkages between Africa's citizens have contributed towards continental integration and in confronting the challenges of globalization.

The colonial era in Africa

The territorial conquest of antiquity as well as the colonial empires in Africa were a form of international relations, albeit one premised on a master-slave relationship. European colonialism had the net effect of promoting development in Europe and fostering under-development in Africa, as well as other colonized regions of the world. From 1885, in what came to be known as 'the Scramble for Africa', European powers colonized African peoples and communities across the entire continent. The Belgians were in the Congo, the British in East, South, West and North Africa, the French in West, Central, North and East Africa. The Italians were in the present-day Somalia, the Portuguese in the present-day Guinea-Bissau, Mozambique, Angola and Cape Verde. The Spanish colonized what is now Western Sahara and Equatorial Guinea. The Germans, who later lost their colonies due to their defeat in the Second World War, had colonized present-day Tanzania and Namibia. The conquest and dominion of virtually the entire African continent during this colonial era persists as the real scar on the conscience of the world. The continent's erstwhile colonizers have not found an appropriate framework with which to engage the African continent. The relationship between Africa and its former colonial powers is still infused by a paternalistic attitude, informed by a need to civilize and discipline the continent, evident in some of the policy interventions which are generated by London, Paris, Brussels, Lisbon, Madrid and Berlin. As a consequence, the African continent has not yet come to terms with the historical injustice which was generated by the legacy of colonialism. There has not been any forgiveness or reconciliation between Africa and her former European colonial powers. This factor continues to inform how Africa's leaders and citizens view Europe, with a complicated and

paradoxical mixture of admiration, suspicion and mistrust. This fact is for the most part lost on European governments, which still retain a ‘messianic’ attitude of going to save Africa and its people from themselves. The European engagement with Africa is also paradoxical in nature. On the one hand the superior European attitude of going to salvage Africa from the ravages and excesses of her leaders and governments still persists, whilst at the same time European governments and multinational companies are amongst some of the most corrupt and exploitative actors when it comes to extracting Africa’s natural resources. It is these very natural resources that if genuinely utilized to benefit Africa’s peoples, rather than a few political and business elites, could reframe the nature of the continent’s relationship with her former colonizers.

The Cold War and Africa

At the height of the Cold War, the era of decolonization began in African countries. As African nation-states began to acquire independence in significant number, they concomitantly sought to organize themselves in a more co-ordinated manner with the establishment of the Organization of African Unity (OAU) on 25 May 1963. Africa, like the rest of the world, was caught up in the proxy battles that were fought during the Cold War. The playing out of superpower rivalries on the African continent had a destabilizing effect on peace and security on the continent. Whether it was through overt or covert support, governments and armed resistance movements could always find willing supporters from the Soviet or US geopolitical strategic camps.² As a result undemocratic leaders could always find the means to suppress their people and wage perpetual wars. The continental organization at the time, the OAU, was not effective in projecting stability or restraining the excesses of state power. During the Cold War African countries began to find that they could occasionally build consensus on a number of issues such as development, trade, debt cancellation, infectious diseases, small arms and light weapons, nuclear, chemical and biological weapons, climate negotiations, transnational crime prevention, and on the election of Africans to various UN activities and bodies. On other issues, particularly where there is a strong national interest, such as security issues and conflict situations, African countries have not always maintained a united position or a common front for negotiations and voting. The problems and competing state interests continue to pose a fundamental challenge towards the forging of a coherent continent posture towards the rest of the world.

The legacy of the Cold War has left behind instability which still prevails on the continent. Techniques of repression and suppression that were perfected during colonialism and the Cold War are still being used with impunity. Instability prevails in most of the regions of Africa. Illegitimate rulers and quasi-democrats have created conditions in which the rule of law is still being undermined. The net effect of all this is that the issue of conflict is still a dominant security challenge for a significant portion of the continent. Ongoing conflicts have ramifications beyond the borders of Africa. With the failure by Africa’s erstwhile enslavers, colonizers and Cold War exploiters to acknowledge the political, social and economic exploitation and crimes committed during their reign and dominion of Africa, the continent’s people will continue to harbour mistrust for the global North.

The post-Cold War world and the struggle for Africa’s ascendancy

In the post-Cold War world, some would question whether African countries have sufficiently coalesced as a group and developed a coherent identity to influence effectively international policy development. With the acceleration of globalization the African continent remains a paradox as far as international engagement is concerned. On the one hand it remains one of the

most marginalized continents in terms of foreign direct investment (FDI), which for Africa is currently about 5% of global investment. On the other hand a number of state actors and transnational corporations are scrambling to exploit Africa's resources and extend their influence over the politics and economics of the continent.

Externally driven hegemonic agendas continue to manifest in Africa's international relations, most notably due to the fact that the continent is one of the fastest growing oil exploration and production zones in the world and one of its last under-explored regions. Demand for oil in the world is increasing due to the instability that prevails in the Middle East. Since 2000, one-third of the world's new oil discoveries have been in Africa.³ The continent also possesses some of the wealthiest deposits of uranium, coltan, cassiterite, gold, copper and timber, and is endowed with fertile agricultural land, but its people are amongst the poorest in the world. These natural resources, some of which are utilized in the burgeoning mobile telephony and space technology industries, are not the causes of conflict but have proven to be a catalyst in fuelling conflict on the African continent. In addition, with the collusion of an unprincipled leadership in African countries, foreign state and transnational corporate actors are engaged in a 'New Scramble for Africa', to exploit these resources and secure mining and extraction concessions which funnel profits out of Africa rather than being utilized to promote education, provide health care and build infrastructure on the continent. The qualitative difference between this scramble for Africa and its historical antecedent in the 19th century, is that African leaders and governments are the primary agents and facilitators of this exploitation. This new scramble for Africa is therefore more akin to a 'self-imposed exploitation', as African political and business leaders have become co-opted as 'willing intermediaries' in the fleecing of their own continent.

Africa has become the terrain for global competition between the USA, the European Union (EU) and the People's Republic of China, as well as other emerging players like India. The changing international dynamics have witnessed the emergence of China and India as rivals to the USA and other Western countries for Africa's raw materials, markets and allegiances. Regrettably, the majority of trade and investment is 'focused on extracting natural resources rather than developing local economies'.⁴ The AU has also strengthened its links with emerging economies such as China, India and Brazil. The AU as an institution has benefited directly from these linkages and its new main headquarters, officially opened in January 2012, was built through a grant provided by China. There has been a Western backlash against the AU's overture towards emerging economies, in particular China. China's approach has been to de-link the issue of economic development from the promotion of political and civil liberties. Some commentators have argued that this has generated a sense in the West, particularly European former colonial powers, about its waning influence with African countries, due to the counter-balancing impact of Chinese resources particularly with regards to infrastructure development and mineral extraction. However, this may be more a case of perception rather than reality because Europe remains one of Africa's major trading partners.

Despite these challenges there is an emerging spirit of pan-Africanism within the Africa continent, which seeks to reverse the historical relationship between the continent from one of paternalism to genuine partnership. Paternalism can best be characterized as a top-down unidirectional relationship where one party establishes the framework and issues strictures for the development of a second party. Partnership on the other hand involves a mutually enriching relationship based on respect and collaboration established through dialogue.

The emergence of the African Union, in 2002, was the result of the logical progression of pan-Africanism and a realization by the continent's leaders and citizens of the need to adopt a policy platform to engage the world on a more equal footing. For example, in March 2005, the

AU issued a declaration known as *The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus*, which was a statement in response to the Report of the High-Level Panel on Threats, Challenges and Change issued in December 2004. In this Common African Position the AU highlighted issues pertaining to HIV/AIDS and security, poverty, debt, environmental degradation, trade negotiations, the responsibility to protect, peace-keeping and peace-building.⁵ In addition, the AU issued a position on UN reform and in particular on the reform of the Security Council by noting that ‘in 1945, when the UN was formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position’.⁶ The AU goes on to state that ‘Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose’, furthermore noting that ‘Africa’s goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council’.⁷ At least on paper the AU was endeavouring to establish and maintain a common position. However, due to internal dissension some African countries, particularly Egypt and South Africa, effectively broke rank with the Ezulwini Consensus and sought ways individually to ascend to become permanent members of the Security Council. This in effect undermined efforts to demonstrate African ‘unity of purpose’. This is further reinforced by the fact that time and again African countries have shown that they are unlikely to vote as a collective on matters before, or pertaining to, the UN Security Council. Governments generally tend to adopt positions that best serve their interests or that enable them to receive certain benefits from more powerful countries that pick and choose with which African countries they want to work. Therefore, the logic of ‘national self-interest’ and political realism still prevails among African countries, and other member states, at the UN. This fact continues to deter the emergence of a coherent stance as a collective in terms of Africa’s international relations. So the paradox of Pan-Africanism is evident in that there is a willingness, at one level, to make the transition towards a unified African voice, but this is tempered by the enduring habits of national sovereignty and the reluctance to cede genuine power to a supranational entity to govern the affairs of the continent. In this sense, Africa’s international relations remain an enigma, which emphasizes the need for a book such as this one, to assist in deciphering the complexity of the continent’s engagement with the world.

The structure and outline of the book

The book is structured into five parts, namely:

- Theories and historical evolution
- Institutional developments
- Africa’s international relations: Issues and policy areas
- Global governance and Africa
- Africa and international partnerships

Theories and historical evolution

The African continent is engaged with the process of globalization but not on its own terms. The emergence of predatory economic globalization and the global business of profiting from countries, including those affected by war, suggests that the ‘New Scramble for Africa’ has pernicious side effects that have to be arrested if sustainable peace, security and development are to be achieved on the continent. This section delves into some of the existing theoretical

frameworks relating to Africa's international relations. In particular, Tiekou, Ndlovu-Gatsheni, Mesfin and Obi provide insightful analyses of the theoretical contexts of Africa's International Relations (IR), the emergence of pan-Africanism, and how the continent is constrained by globalization and the challenges to sovereignty.

Institutional developments

The second part of the books illustrates how the African Union has adopted a range of policy frameworks and operationalized institutions to govern its continental and international relations. Dersso discusses the African Peace and Security Architecture (APSA), while Karbo examines the New Partnership for Africa's Development (NEPAD). Akokpari and Ancas assess Africa's continental relations with a focus on regional economic communities (RECs). Affa'a Mindzie discusses the challenges of democracy and governance across the continent, while Opongo analyses the efforts to promote post-conflict reconstruction across the continent. Haastrup concludes this section of the book with a study of the AU's institutional framework relating to gender equality.

Africa's international relations: issues and policy areas

The third part of the book assesses a range of policy issues that remain a challenge for the continent to address. In particular, Esmenjaud discuss the ownership of Africa's peace and security interventions. Mengesha focuses on how international trade policy impacts on Africa, whilst Fernandez and Papagianni discuss the issues of migration and power sharing, respectively.

Global governance and Africa

The fourth part of the book looks at an extensive range of topics pertaining to global governance and how it impacts upon Africa. De Coning assess international peace operations, while Hansen debates issues pertaining to the ICC. Sansculotte-Greenidge looks at the continent's refugee challenge, while Branch and Lotze examine the emerging doctrine of the Responsibility to Protect (R2P) and the protection of civilians, respectively. Sekaggya discusses human rights, while Lioubimseva elaborates the challenges of climate change. Ettang engages with the global trade in illicit small arms and light weapons, and Maina assesses the role of the UN Peacebuilding Commission in Africa. Clements and Kieh analyse the Bretton Woods institutions and the issue of official development assistance. Aning and Bartolucci engage with issues pertaining to terrorism in Africa, while Selim explores the increasing role of private military companies across the continent.

Africa and international partnerships

The final part of the book looks at Africa's international partnerships with Sherriff and Kotso-poulos, Alusa and Omeje, and Fioramonti examining aspects of Africa's engagement with the EU. Melber discusses Africa's relationship with China, while Mangala explores the debate relating to the US Africa Command. Mampilly and Adem analyse Africa's engagement with India and Japan, respectively. De Carvalho, and Lechini and Giaccaglia engage with Africa's South-to-South relationship with an emphasis on Latin America. Finally, Warner and Gallo discuss the emerging relationship between Africa and Iran.

Conclusion

Africa's ascendancy is perhaps not at the pace that the majority of its citizens would like to see, but this does not negate the onward trajectory and generalized gradual improvement in the lives of Africa's people. This book reveals that there are at least three dimensions of Africa's international relations, notably the relations between: Africa's constituent nation-states; the African continent and the world; and Africa's citizens, the diaspora and the rest of the world. Each of these chapters relates to at least one of these dimensions, while some chapters cover more than one. However, the overriding conclusion that one draws from this timely collection is that there has been a perceptible shift in Africa's international relations. As far as Africa's ascendancy is concerned, it is no longer a question of if, but of when, the unfolding trajectory of the continent's international relations will empower its peoples to engage increasingly with the rest of the world on their own terms.

Notes

- 1 Tim Murithi, *The African Union: Pan-Africanism, Peacebuilding and Development*, Aldershot: Ashgate, 2005, 2.
- 2 Philip Nyinguro, 'Peace and Security in Post-Cold War Africa: Safeguarding the Future', *African Journal of Political Economy* (1993): 119–48.
- 3 J. Ghazvinian, *Untapped: The Scramble for Africa's Oil*, London: Harcourt, 2007.
- 4 R. Southall and H. Melber (eds), *A New Scramble for Africa? Imperialism, Investment and Development*, Scottsville: University of Kwa-Zulu Natal Press, 2009.
- 5 African Union, *The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus*, EXT/EX.CL/2 (VII), Addis Ababa: African Union, 7–8 March 2005, 1–7.
- 6 African Union, *The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus*, 9.
- 7 Ibid.

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Part I

Theories and historical evolution

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Theoretical approaches to Africa's international relations

Thomas Kwasi Tieku

Introduction

How can we think theoretically about Africa's international relations? Can extant International Relations (IR) theories help us to understand Africa's international relations? Or do scholars of Africa's International Relations (AIR) need a new theory or theories to capture Africa's reality?¹ Discussions of these questions are long overdue, yet seldom explored.² This chapter seeks to provide a preliminary assessment of the above questions arguing that though mainstream IR theories provide useful pointers for studying and understanding Africa's international relations, the individualist worldviews that drive these theories constrain them from providing a comprehensive explanation of key aspects of Africa's international affairs.

To illustrate the above claims, the extant IR literature is divided into two categories: the rational utilitarian approaches and the sociological perspectives. Central claims made by the two approaches are assessed against empirical evidence from Africa. The chapter shows that the two perspectives are helpful in many ways but they are built on an individualist worldview which exaggerates the significance of competitive and self-centred international practices and experiences while simultaneously peripheralizing collectivist international life, such as consensual decision making, group preferences formation and solidarity behaviour, which are ubiquitous features of Africa's international life. The individualist orientations of both approaches, which normally render invisible the significance of international practices and experiences of Africans, prevent their derivative theories from providing clear answers, and in some cases are useful pointers to key questions in Africa's international relations.

A good theoretical account of Africa's international relations must at the very least recognize that Africa's international relations is distinct from international politics of the so-called great powers, which has been the main focus of traditional IR. It is distinct in the sense that it is not driven by power and individualist ideas. Africa's international relations is, however, not exceptional. Some of its key features are found elsewhere in the world though mainstream IR scholars have elected to peripheralize or ignore them in their account of what constitute international relations. For instance, consensual decision making is a common feature of international politics of Asian states, Latin American countries, the United Nations (UN) system, and even the politics of the North Atlantic Treaty Organization (NATO). Yet few mainstream IR scholars recognize its existence, let alone examine its impact on politics. It is unlikely that deeper insights of Africa's international relations can be gained if you ignore the impact of consensual decision making. Indeed, any theory that will help answer key questions in Africa's

IR must accommodate at least three key collective traits—that is, group preferences formation, consensual decision-making procedures and the solidarity principle which are the central referent of Africa's international relations.

The rational utilitarian approach

The rational utilitarian approach explains international relations, including Africa's, with a core assumption that governments have similar preferences for material concerns, such as maintenance of territorial independence of their states, security guarantees, military power, international prestige and economic domination.³ These material preferences are almost fixed, and the goal of every public official is to ensure that their states achieve the optimal outcome of their material interests.

In order to ensure that their states maximize their preferences, governments engage in cost-benefit analysis. Since governments are utility maximizers, they always choose the option that provides the optimal means to these material ends.⁴ Therefore, the second key assumption of the rational utilitarian approach is that governments are efficient choosers which make decisions through a careful calculation and examination of different lines of action.⁵ In a technical sense, the utilitarian perspective suggests that governments are *homo economicus*, and act primarily to maximize their utility. In plain IR language, governments are rational egoistic actors which act principally to achieve their optimal material preferences.

Theorists of IR who employ the utilitarian logic also recognize that governments are aware that their states do not exist in isolation. As a result, utilitarian IR analysts also assume that governments pursue their material interests by taking into consideration the environment in which their states operate.⁶ Structural properties that most utilitarian scholars find useful are international anarchy (the absence of centralized international government), global market competition and transnational economic processes.

Based on the above insights, many utilitarian theorists suggest that theoretical analysis of international relations should begin with an examination of international configurations of powers, actors and institutions.⁷ For a majority of utilitarian theorists, the best way to understand international affairs of any continent is to look at it from the 'outside in'.⁸ The position in which it is located in the global power structure will determine its international relations. Actors embedded in peripheral regions such as those in Africa are acted upon and their behaviours are often dictated by actions of regions that house powerful actors in the international system.

There is, however, a disagreement in the literature over the exact material interests (i.e. the utility) that governments seek to maximize. While some theorists believe a desire for military power is the key causal variable, others emphasize economic interests. The disagreement has led to four major lines of theorizing: rational state power theories (the realist family—i.e. neo-realism, regime theory, hegemonic stability theory, voice opportunity theory); economic interests theories (the liberal family—i.e. neo-liberal institutionalism, transnational theory, and pluralist domestic interests theory); and preference convergence theory, or what some call liberal inter-governmental theory.⁹

The above theories offer informative pointers to the behaviour of African states especially during the Cold War but they are weak when it comes to explaining relations between African states themselves. Hierarchy of power is a determining factor in Africa's interactions with the rest of the world but it is not the most defining factor in inter-Africa relations. The pan-African national character rejects power as a basis for international relations. As I. William Zartman pointed out, the African ruling class not only 'rejects relations on the basis of power', but is also a national character of almost all African states to 'reject power as a basis for international

relations'.¹⁰ Besides, the principles of solidarity make it difficult for Africa's military and economic power houses such as South Africa to use them to lord it over other African countries. Indeed, South Africa is still considered a baby. The most effective power resource African states have is the power to persuade, not the carrot and stick power that utilitarian theorists highlight.

The African region lacks secondary states (regional hegemon) capable of providing sufficient incentives and/or threats to induce other African governments to act in a particular way.¹¹ None of the African states is influential enough to qualify as a secondary state, though some analysts of area studies occasionally engage in conceptual stretching by referring to relatively wealthy African states as hegemon. The relatively well-endowed African states encounter great difficulties much of the time in turning their size and wealth into effective diplomatic influence.¹²

Two obvious reasons account for the inability of the relatively wealthy countries to have assertive influence over other African states, particularly in multilateral forums. First, besides the fact that the relatively wealthy and big states in Africa have their own serious internal political and social problems, none of the prospective hegemon has the resources and clout to provide the incentives that regional hegemon (secondary states) in Europe like Germany, France and Britain are able to give to their smaller counterparts. These African states have neither the economic resources to provide side payments and continental public goods, nor the required power to set, maintain and enforce regime rules. Second, and more importantly, due to the influence of colonialism, Cold War politics and the attraction of ideas about imperialism, resentment against powerful states runs deep in the thinking of elites in Africa. Not only does the resentment drive African ruling elites to mobilize often against any hegemonic seeker, but it makes it hard for relatively big and wealthy African states to get support for their positions. This manifested itself in the opposition to the former South Africa Home Affairs Minister Nkosazana Dlamini-Zuma's candidacy for the Chair of the AU Commission in 2012. The only reason her candidacy was controversial was because she was a citizen of one of the big five African Union (AU) members. She was supremely qualified and better suited for the job, and even her most vocal critics admitted that her only problem was the South African connection.¹³

The near deterministic logic and the weak role accorded African agency in rationalist accounts raises more questions than it provides answers. A rational utilitarian approach tells us little about the formation of interests and preferences among African states. All the literature pre-socially assigned interests of African governments, but as many IR scholars have long maintained, the processes through which preferences are formed have enormous impact on the behaviour and actions of actors.¹⁴

A rational utilitarian approach de-emphasizes the role ideas play in Africa's international relations. This neglect is surprising for two reasons in particular, but mounting evidence in the social sciences (cognitive psychology, sociology and political science) literature shows that ideas have profound effects on the course of events. Empirical evidence emerging from the sociological strand of IR literature indicates that ideas that actors hold affect how they define their interests in the first place; ideas are also known to provide guidelines for human action and behaviour.¹⁵ They do so 'by stipulating causal patterns', by 'imply[ing] strategies for the attainment of goals', and 'by providing compelling ethical or moral motivations for action'.¹⁶ Thus, in addition to providing lenses for actors to define and understand their interests, ideas show actors ways to pursue the interests they have identified.¹⁷ African leaders' perceptions of their interests are structured by ideas. Ideas may also provide the intellectual framework for African states to interpret the institutional choices available. These observations, however, lead me straight out of the rationalistic paradigm and into the complex web of sociological perspective.

The sociological perspective

The sociological perspective suggests two steps to explain Africa's international relations. The first component directs us to examine preference formation of actors in Africa's sub-system. Many sociological scholars pay attention to preference formation because they believe that the process through which actors construct their interests has enormous influence on their behaviours and political outcomes.¹⁸ The second aspect encourages us to look at the decision-making process.

The sociological literature contends that actors do not pursue extant interests that grow automatically out of structural arrangements, material conditions and unanticipated events. Rather, they are socially constructed.¹⁹ Preferences of political actors are constructed through social interactions. Although the concept of 'social interaction' is not without its substantive and operational imprecision, it is used analytically to mean a mutually oriented relationship between two or more people that takes the *other self* into account.²⁰ The phrase *social* is employed specifically to indicate that interactions mutually oriented towards each *others' selves* have meaningful causal influence on preference formation. Interactions that shape, define and redefine interests of agents are those that take account of each other's subjective experiences, emotions, thoughts and/or intentions.²¹

Social interactions influence preference formation in three major ways. It provides a place for social learning and socialization in addition to offering a forum for actors to develop inter-subjective understanding of meaning. For many (but certainly not all) sociological IR theorists, actors acquire new interests and preferences through social interactions even in the absence of obvious material incentives.²² Perhaps more important, social interactions generate ideas that help actors to understand their environment and to identify the different options available.²³

Actors' ability to identify various options and to select some as preferences is dependent on the stock of ideas they hold.²⁴ Ideas, defined as beliefs that actors hold, are of three kinds:²⁵ they are worldviews, principled ideas and causal ideas.²⁶ Worldviews are the taken-for-granted cognitive paradigms or axioms that enable actors to interpret events and to identify and perceive occurrences.²⁷ These ideas define the universe of possibilities for action. Causal ideas, which are lenses that organize and simplify experiences for actors, serve as guides to human action.²⁸ They guide human behaviour 'by stipulating causal patterns or causal road map', and by 'imply[ing] strategies for the attainment of goals'.²⁹ Principled ideas, which are referred to in the literature as norms, are shared standards of appropriate behaviour that a community of actors holds. Principled ideas 'distinguish right from wrong and just from unjust and also provide compelling ethical or moral motivations for action'.³⁰

Ideas, of course, 'do not float freely'; they require agents and a congenial environment to be causally effective.³¹ Ideas usually require political entrepreneurs to select and market them. In general, the literature suggests that ideas that are likely to have meaningful impacts on the preferences of actors are those that:³²

- resonate with widely accepted normative frameworks;
- demonstrate that adhering to them serves a broader goal of actors;
- show the existence of general incentives to comply;³³
- are presented to actors who are in a new environment, or are cognitively uncertain about the appropriate way to respond to a changing environment;
- are presented in front of small and private audiences;
- are presented by political entrepreneurs perceived as knowledgeable about an issue and whose intentions are perceived as trustworthy; and
- reinforce a belief of an actor or are consistent with prior evidence of which an actor is aware.

Based on the above insights, scholars who employ this perspective contend that actors are *homo sociologicus*, who are governed by 'a logic of appropriateness' (LOA) in their mode of action.³⁴ The logic of appropriateness means that actors are motivated by a desire to do the right thing. They take a particular course of action not because of external material sanctions and/or rewards, but rather they pursue the course of action because they think it is right. The LOA comprises three main ideas: situation, role/identity and rules. According to the LOA, actors ask a series of questions before taking a particular course of action. The questions are: What is my situation? Who am I? How appropriate are the different courses of actions for me? How is an actor in my role and with my identity supposed to act?

For the great majority of sociological scholars, actors are rule followers who act out of habit, and they usually choose the course of action that they consider appropriate. This is not to deny that preferences of actors are sometimes driven primarily by consequential reasons. The point is that, *all things being equal*, actors will usually opt for the appropriate course of action.

The great merit of this aspect of the sociological literature is its ability to provide a framework for explaining preferences of actors and the light it sheds on the importance of worldview in IR scholarship. However, the IR sociological literature is silent on ideational effects on international institutional change.³⁵ The IR sociological research programme neglects to investigate why states create consequential international institutions in places other than Western Europe and the advanced industrial world. As Christopher Hemmer and Peter Katzenstein noted, the empirical research programme of mainstream IR theorists concentrates on 'a small pool of successful Western institutions, such as NAFTA [the North American Free Trade Agreement] and the EU'.³⁶

Besides, as reviewers of the literature correctly pointed out, the 'influence of ideational forces on actor preference formation ... remains vague ... [and] underspecified'.³⁷ There is also a dearth of literature that systematically demonstrates, in a concrete fashion, the specific ideas that animate preference formation. In other words, how exactly do ideas influence actors to choose, say, A over B? The sociological research programme has provided little that systematically tests the validity of this claim.³⁸ The few empirical works that have emerged are focused primarily either on the impact of international norms on domestic political outcomes, or on how domestic politics helps/impedes the diffusion of international norms.³⁹ Only a few of the mainstream IR sociological works even examine the impact of causal ideas on political outcomes.⁴⁰ The emphasis placed by analysts of the sociological approaches on international norms has led to the neglect of systematic analysis of the role of ideas that 'are deeply rooted in other types of social entities—regional ... and subnational groups'.⁴¹ Sociological scholars ignore ideas embedded in these entities because they see norms 'as ... global "oobleck" that covers the planet' and 'affects ... all [actors] in the same way'.⁴² The few ideational analysts who do not subscribe to the universalistic view are 'so concerned with detailing the variations in local reaction[s]' to international norms that they lose sight of regional and sub-regional ideational and normative fabrics.⁴³

Ingredients for theorizing Africa's IR

The neglect of regional normative fabrics limits the applicability of the sociological in the African context. Indeed, no theoretical account of Africa's international relations will be complete without taking into serious consideration a regional African norm called the pan-African solidarity norm. Briefly, the pan-African solidarity norm is a widespread belief among African ruling elites that the proper and ethically acceptable behaviour of Africa's political elites is to demonstrate a feeling of oneness and support towards other Africans, at least in public. This

feeling of 'we-ness', or public show of support, among African leaders goes 'beyond the merely rhetorical level' to impose 'on African rulers a sense that, at any rate, they *ought* to act in harmony'.⁴⁴ The solidarity norm not only discourages African leaders from disagreeing with each other in public, but also puts 'pressure on the rulers of individual African states not to step out of line over issues where a broad continental consensus had been established'.⁴⁵ The norm was developed at the first meeting of the Organization of African Unity (OAU) Council of Ministers, held in Lagos in 1963.

The norm has a profound impact on Africa's international relations. The norm's expectation that African political elites must at all times work together in harmony and co-operatively at the continental level put ethical pressure on African governments to seek a compromise position. African governments often sacrifice interests and preferences of their states in order to conform to the norm's expectation. Moreover, the norm usually provides a road map for appropriate and inappropriate courses of action. The norm not only encourages African political elites to show loyalty in public to continental unity, but also makes it hard for those elites to oppose openly an issue that commands broad support. Decision making is often made easy by the self-regulation of the norm. It is the powerful effect of the norm that allows African states to develop common positions on crucial international issues. It often encourages African governments to engage in bloc voting at international forums. Indeed, it dictates actions of African governments in international politics, especially in the absence of obvious material self-interest and concerns.

Though earlier IR sociological theorists highlighted the central role of worldview in IR scholarship, the sociological research programme has failed to examine the impact of worldview in international relations. Norms and causal ideas are the central referent of the sociological research programme. Like their utilitarian counterparts, leading IR sociological researchers are very American and European centric. The focus on a few Western empirical turfs where an individualist worldview dominates social structures and on norms and causal ideas has led to the neglect of the impacts of different worldviews.⁴⁶ Indeed, they treat all societies as if they were embedded in individual social milieux.

However, as many research works on personhood show, collectivism is the dominant worldview in Africa and any theory that neglects collectivist practices cannot account for Africa's IR. In African societies, and by extension Africa's IR, actors such as persons and states are not independent entities; rather, they are 'integral members of a group animated by a spirit of solidarity'.⁴⁷ The reason is that collectivist cultures prioritize the social over the personal and group preferences over individual interests and goals, and they peripheralize differentness, as well as uniqueness.⁴⁸ In such cultures, individuals are deemed interdependent, and their self is assumed to be inextricably linked with the selves of others.⁴⁹ The key identity markers are group membership and obligations. As a consequence, they cherish group harmony and the public show of unity by members of the in-group, however shallow that harmony might be. Indigenous African societies exhibit many features of collectivist cultures, as those who have closely studied the person in African society have noted. In the view of Stagner, many indigenous Africans 'show practically no self-awareness'.⁵⁰ Formal education has removed some of the collectivist traits from African political life, and made some of the political elites give away some of the collectivist behavioural persona. Almost all political elites in Africa show some form of self-awareness and self-interest. Nonetheless, remnants of collectivist cultural practices still dictate African politics in general, and interstate relations specifically. Unlike the individualist behavioural traits widely documented by IR scholars, many African elites do not see themselves as independent, atomistic, isolated and abstract entities, or think they just '*have*' relations with each other. Rather, they think they '*are*' relations.⁵¹ In other words, they think and behave in relational terms.

The relational behavioural pattern associated with collectivism often makes African governments seek a compromise position on major issues at regional, continental forums, and to a limited extent at the global level. African leaders' deference to compromise outcomes is a double-edged sword. On the one hand, it encourages quick decision making among African leaders on key issues during meetings. The confrontation, open disagreement and sometimes complete inertia that usually characterize decision making of most international organizations are often absent at summit meetings of African leaders. On the other hand, the disdain for dissent has meant that African leaders often make decisions at summit meetings without any serious debate or analysis of the issue. The deference to compromise has on many occasions prevented African leaders from implementing decisions and policies that have a consequential impact on sitting African leaders. This is why although African multilateral institutions like the AU have some of the best international legal rules, policies, charters and institutions, many of them are inactive or yet to be translated into domestic laws.

The influence of collectivism means that key aspects of African international politics take place in informal settings. Formal structures may exist but the informal framework is often used to make critical decisions. For instance, agenda items for AU summits must formally be provided by the Assembly of the Union, the Executive Council, the Permanent Representative Committee, the AU Commission and other organs of the Union, or they must be proposed by member states and regional economic communities. Yet most agenda items for AU summits are provided by informal sectoral expert meetings invented by AU bureaucrats. Indeed, formal structures at the international level in Africa are mere rubber-stamping institutions. The informalization of Africa's international politics is obviously distinct from the formalized and legalistic international relations documented by mainstream IR scholars.

Conclusion

The chapter critically examined major IR theories with a view to finding out if they possess the key tools needed to study and understand Africa's international relations. The theories were grouped into rational utilitarian insights and sociological perspectives. Rational utilitarian theories are helpful in many ways. Some of the structural and material forces, such as the impact of the end of the Cold War and economic incentives, which underpin the work of rational utilitarian theorists, are useful background conditions for exploring interstate relations in Africa. These material forces are often used by agents to set the agenda for action, encourage African leaders to take certain steps, and they usually form the background conditions for preferences/interests of African governments. Power, which is the thread that binds rational utilitarian theories together and is highlighted by rationalists as the main instrument of international politics, is not the most important driver of Africa's international politics. The pan-African national character rejects power as a basis for Africa's international relations. The neglect of African input and agency in the account of rational utilitarian theorists further weakens the explanatory power of their theories. Most rational utilitarian theories lack the analytical tools to account for the formation of interests and preferences of African governments.

The tools and clues for explaining preference formation of actors in Africa's international relations can be found in the sociological perspective. Indeed, the sociological theories offer an appropriate framework to explore Africa's international relations. They draw attention to ideational variables such as norms which are extremely important in the African context. However, the exact influence of ideational forces on actor preference formation is underspecified and largely untested. The approach that English-speaking IR sociological scholars employ to study the effects of ideas is so universalistic that they tend to ignore the effects of norms embedded in regional and sub-national

entities. The few ideational analysts who do not subscribe to the universalistic view are so interested in capturing variations in local reactions to international ideas that they lose sight of regional and sub-regional ideational fabrics. However, no account of Africa's international relations will be complete without consideration of regional and sub-regional ideational forces. The existence of a plethora of regional and sub-regional institutions in Africa and African leaders' penchant for multilateral politics makes regional and sub-regional fabrics an indispensable part of African politics in general and Africa's international relations in particular. It is simply not possible to understand Africa's international relations if you neglect regional and sub-regional factors.

More fundamentally, the two perspectives use an individualist worldview to examine international relations. On one hand an individualist worldview exaggerates the significance of competitive and self-centred international practices and experiences such as competitive voting, pursuit of national interests, threats, side payments, material rewards and punishment. On the other hand, it peripheralizes collectivist international life, such as consensual decision making, group preference formation and solidarity behaviour, which are a ubiquitous feature of Africa's international life. The stranglehold that the individualist orientations have over the two perspectives render invisible the significance of international practices and experiences of Africans and at the same time prevent their derivative theories from providing clear answers and, in some cases, useful pointers to key questions in Africa's international relations.

With the above limitations of mainstream IR theories in mind, the penultimate section of the chapter outlined key ingredients for theorizing international relations of Africa. Four mutually reinforcing elements of Africa-centric mid-range theory were highlighted. It called for the use of a mild version of collectivist lenses. This is meant to reflect the fact that African actors are embedded in collectivist cultural milieux. Thus, unlike mainstream theories, an Africa-centred IR theory directs attention to social behaviours rather than self- or individual centred actions, group preferences instead of individual state interests, and it puts students of IR in a position to understand common rather than unique international practices. The emphasis on the social and collective helps us to understand the relational dimension of international politics and why African governments tend to pursue compromised outcomes at the international level. Rather than caricature African actors as atomistic and egoistic players in the international system, relational thinking helps us to understand collective actions such as the common African positions and, in particular, why and how 54 different African states with supposedly distinct national interests are able to develop a common position on critical international issues without the usual rancour and inertia that characterize decision making of large groups. In addition, the chapter drew attention to the importance of African region-wide norms such as pan-African solidarity, which has become a central pillar of Africa's international relations. Lastly, it was noted that an African-centred theory should not prioritize formal institutions and structures over informal ones. Indeed, paying attention to informal processes and institutions may provide more insights into Africa's international relations than focusing on formal structures.

Notes

- 1 I used the uncapped phrase Africa's international relations to mean the object of study and its capped version Africa's International Relations (AIR) to mean the field of study.
- 2 The exceptions are Kevin Dunn and Timothy M. Shaw (eds), *Africa's Challenge to International Relations Theory*, Basingstoke: Palgrave, 2001; Scarlett Cornelissen, Fantu Cheru and Timothy M. Shaw, *Africa and International Relations in the 21st Century*, London and New York: Palgrave MacMillan, 2012; Douglas Lemke, 'Intra-national IR in Africa', *Review of International Studies* 37:1 (2011); William Brown and Sophie Harman (eds), *African Agency in International Politics*, London: Routledge, 2013.
- 3 Kenneth Waltz, *Theory of International Politics*, New York: McGraw Hill, 1979; Robert Gilpin, *The Political Economy of International Relations*, Princeton, NJ: Princeton University Press, 1987; John Gerard

- Ruggie, *Constructing the World Polity: Essays on International Institutionalization*, New York: Routledge Press, 1998; Andrew Moravcsik, 'Liberal International Relations Theory: A Scientific Assessment', in Colin Elman and Miriam Fendius Elman (eds) *Progress in International Relations Theory: Appraising the Field*, Cambridge, MA: MIT Press, 2003.
- 4 Andrew Moravcsik, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*, Ithaca, NY: Cornell University Press, 1998.
 - 5 Ibid.
 - 6 Waltz, *Theory of International Politics*.
 - 7 Andrew Hurrell, 'Regionalism in Theoretical Perspective', in Louise Fawcett and Andrew Hurrell (eds) *Regionalism in World Politics*, New York: Oxford University Press, 1995, 3–73.
 - 8 Iver B. Neumann, 'A Region-Building Approach to Northern Europe', *Review of International Studies* 20:1 (1994): 53–74.
 - 9 I omitted functionalism/neo-functionalism and its spill over hypothesis from the review because the theory was not developed to answer questions the chapter seeks to answer. The theory primarily seeks to help us understand increases in supranational authority. Some IR scholars have caricatured and manipulated the theory in order to make their case. I eliminated it from the review to avoid the temptation of falling prey to such an exercise.
 - 10 For a discussion of how a 'rejection of power' forms the bedrock of international relations in Africa, see William Zartman, 'Africa as a Subordinate State System in International Relations', *International Organization* 21:4 (1967): 545–64.
 - 11 Hegemon used here refers to a dominant state(s).
 - 12 See, for instance, Christopher S. Clapham, *Africa and the International System: The Politics of State Survival*, Cambridge: Cambridge University Press, 1996; Zartman, 'Africa as a Subordinate State System in International Relations'.
 - 13 For detailed discussion, see Thomas Kwasi Tiekou, 'South Africa and the African Union in Light of the Arab Revolt', paper presented at the 2012 Nordic Africa Institute (NAI)—Swedish Defence Research Agency (FOI) Lecture Series, Stockholm: Swedish International Development Agency, 26 September 2012.
 - 14 Jeffery W. Legro, 'Culture and Preferences in the Inter-state Cooperation Two-Step', *American Political Science Review* 90 (1996): 118–37.
 - 15 Friedrich V. Kratochwil, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*, Cambridge: Cambridge University Press, 1989; Nicholas Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations*, Columbia: University of South Carolina Press, 1989; Alexander Wendt, 'Anarchy is What States Make of it: The Social Construction of Power Politics', *International Organization* 46: 2 (1989): 391–425; Peter J. Katzenstein, *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press, 1996.
 - 16 Judith Goldstein and Robert O. Keohane (eds), *Ideas and Foreign Policy*, Ithaca, NY and London: Cornell University Press, 1993.
 - 17 For a review of this literature, see Martha Finnemore and Kathryn Sikkink, 'Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics', *Annual Review of Political Science* 4 (2001): 391–416.
 - 18 Katzenstein, *The Culture of National Security*.
 - 19 Kratochwil, *Rules, Norms, and Decisions*; Onuf, *World of Our Making*; Wendt, 'Anarchy is What States Make of it'; Katzenstein, *The Culture of National Security*.
 - 20 Jeffrey T. Checkel, "'Going Native" in Europe?' *Comparative Political Science Studies* 36: 1 (2003): 209–31.
 - 21 Rudolf J. Rummel, *Understanding Conflict and War*, Beverly Hills, CA: Sage, 1976.
 - 22 Note, however, that these scholars concede that the social as well as the material forces shape political outcome. J. Checkel, 'Why Comply? Social Learning and European Identity Change', *International Organization* 55 (2001): 553–88.
 - 23 Goldstein and Keohane (eds), *Ideas and Foreign Policy*; Steven Bernstein, 'Ideas, Social Structure and the Compromise of Liberal Environmentalism', *European Journal of International Relations* 6:4 (2000): 464–512.
 - 24 Kathryn Sikkink and Margaret Keck, *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca, NY: Cornell University Press, 1998.
 - 25 Goldstein and Keohane (eds), *Ideas and Foreign Policy*.
 - 26 Ibid.
 - 27 Kate O'Neill, Jörg Balsiger and Stacy D. VanDeveer, 'Actors, Norms and Impact', *Annual Review of Political Science* 7 (2004): 149–75.

- 28 Andrew D. Marble, 'The "Taiwan Threat Hypothesis": Ideas, Values, and Foreign Policy Preferences in the United States', *Issues & Studies* 38: 1 (2002): 165–99.
- 29 Goldstein and Keohane (eds), *Ideas and Foreign Policy*.
- 30 Ibid.
- 31 Jeffrey T. Checkel, 'Persuasion in International Institutions', 20 January 2002, www.arena.uio.no/publications/wp02_14.htm (accessed 20 November 2010).
- 32 The information below is drawn from Checkel, 'Persuasion in International Institutions'; Andrew Moravcsik, 'Bringing Constructivist Integration Theory Out of the Clouds: Has it Landed Yet?', *European Union Politics* 2:2 (2001): 226–40.
- 33 Checkel, 'Why Comply?'; Jeffrey Checkel, 'Social Construction and Integration', *ARENA Working Papers* WP 98/14 (2000), www.arena.uio.no/publications/wp98 (accessed 20 March 2003).
- 34 James G. March and Johan P. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics*, New York: The Free Press, 1989.
- 35 The ongoing collaborative works by Thomas Riise, Richard Herrmann and Marilyn Brewer (eds), *Transnational Identities. Becoming European in the European Union* (Lanham, MD: Rowman & Littlefield, 2004); the exception are Checkel's works on the EU and that of R. Kathleen McNamara, *The Currency of Ideas: Monetary Politics in the European Union*, Ithaca, NY: Cornell University Press, 1998.
- 36 Christopher Hemmer and Peter J. Katzenstein, 'Why is there no NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism', *International Organization* 56: 3 (2002).
- 37 O'Neill *et al.*, 'Actors, Norms and Impact'.
- 38 Nicole Deitelhoff and Harald Müller, 'Theoretical Paradise—Empirically Lost? Arguing with Habermas', *Review of International Studies* 31: 1 (2005): 167–79.
- 39 Checkel, "'Going Native" in Europe?'
- 40 Marble, 'The "Taiwan Threat Hypothesis"'
- 41 Amitay Acharya, 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism', *International Organization* 58 (2004): 239–75.
- 42 Sikkink and Keck, *Activists Beyond Borders*.
- 43 Ibid.
- 44 This understanding of the solidarity norm comes from Christopher Clapham's discussion of politics of solidarity and Ali Mazrui's analysis of the concept of 'we are all Africans'. Christopher Clapham, *Africa and the International System: The Politics of State Survival*, Cambridge: Cambridge University Press, 1996; Ali Mazrui, 'On the Concept of "We Are All Africans"', *The American Political Science Review* LVII: 1 (March 1963): 88–97; and Ali Mazrui, *Towards a Pax Africana: A Study of Ideology and Ambition*, Chicago, IL: University of Chicago Press, 1967.
- 45 Clapham, *Africa and the International System*.
- 46 This should not be misconstrued to mean that the individualist worldview is exclusive to the 'West' or global North and that collectivist practices are only found elsewhere. While it is certainly the case that formal education encourages individualist practices and the high level of literacy in the 'West' has made the individualist worldview the mainstream way of looking at the world, the general view amongst informed observers of personhood is that both practices are common in both locales. In the same way that there are many Africans who are hardcore individualists, many people in the West still hold on to their collectivist orientations.
- 47 Obinna Okere, 'The Protection of Human Rights in Africa and the African Charter on Human and Peoples' Rights: A Comparative Analysis with the European and American Systems', *Human Rights Quarterly* 6: 2 (1984): 148. For a detailed discussion of the person in Africa, see Paul Riesman, 'The Person and the Life Cycle in African Social Life and Thought', *African Studies Review* 29: 2 (1986): 71–198.
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Pan-Africanism and the international system

Sabelo J. Ndlovu-Gatsheni

Introduction

Pan-Africanism is, above all, an international phenomenon and, as such, it should deal with power and interest and their dynamics in the international arena: international political forums and international political economy.¹

This chapter fills a yawning gap in studies of the international system through analysis of pan-Africanism as a worldview that played a major role in shaping the direction of global politics since the end of the 19th century. Of course, pan-Africanism is more than a simple worldview and this chapter will engage with its multifaceted meanings within global politics and its shifting character across time since 1900. Broadly speaking, pan-Africanism is about black race consciousness; self-determination of the black race; unity of the African people, including those in the diaspora; economic development of African people; and finding a dignified niche for Africans within the international system.

The re-emergence of pan-Africanism

Pan-Africanism is re-emerging as a discourse within the global South, which offers a counter worldview to the dominant hegemonic Eurocentric worldview. Pan-Africanism recognizes, defines and interprets the current modern international system as a racially hierarchized, patriarchal, imperial, colonial, heteronormative and capitalist global social order.² According to Ramon Grosfoguel at the apex of this truncated and 'Eurocentric universalism' and global social order is the USA and the rest of the Western world, and at the subaltern bottom is the global South in general and the African continent in particular.³

At the centre of this modern international system is 'coloniality', defined as one of the key constitutive elements that entrench the worldview defined by a Eurocentric global social order that was constructed during the time of colonial encounters between Europe and Africa. In this context, Anibal Quijano defined and articulated 'coloniality' as a Eurocentric project based on the imposition of a racial, ethnic and gender classification of the global population as the cornerstone and defining element of the modern international system.⁴

One of the main consequences of 'coloniality' was the Berlin Conference of 1884 where the African continent was approached as a land of material and human opportunities for reaping and sharing among Europeans.⁵ According to the imperatives of the 'Berlin consensus' the African

continent was nothing but 'a philosophical, historical, and cultural vacuum' and a 'dark continent' that had to be 'penetrated' and 'civilized' by white races.⁶ Adekeye Adebajo wrote about the 'curse of Berlin' to encapsulate a single global event, the historical and structural impact of which continues to shape and affect Africa's place in contemporary international relations.⁷

The modern international system is therefore rooted in racial articulation of global social identities into white and black, and geocultural demarcations of the world into Europe, America, Asia and Africa. This invention of the modern world that was permeated through by Eurocentrism was not only informed by a conception and differentiation of humanity into 'inferior and superior, irrational and rational, primitive and civilized, traditional and modern', but also by capitalist imperatives that unleashed such 'darker' aspects of modernity as mercantilism, the slave trade, so-called 'legitimate trade', imperialism, colonialism, apartheid and globalization on the African world.⁸

Pan-Africanism emerged as a response to the manifestations of the 'darker' aspects of modernity, particularly the slave trade which constituted one of the most inhuman elements of the unfolding and expansion of modernity into areas outside of Europe and America. Locksley Edmondson argued that:

Pan-Africanism, however articulated or conceptualized, whatever its functional scope or operational habitat, is by definition an international relations phenomenon. The essential aspect of pan-Africanism, indeed its distinctive characteristic within the complex of black racial expressions, is that it necessarily transcends territorial political boundaries. And when, in its most expansive manifestation, pan-Africanism embraces a range of transcontinental relations, international relations analysis necessarily bears profoundly on the elucidation of that phenomenon.⁹

The slave trade that adversely affected Africans was not an aberration of modernity, but a logical consequence of the mercantile, imperial and colonial imperatives that emerged from the 15th century onwards. This imperative was part of what Quijano has described as a 'colonial matrix of power' that entailed control over labour and its products; nature and its productive resources; gender and its products, including the reproduction of the species; subjectivity, including its material and intersubjective products such as knowledge; and authority and its instruments, including coercion.¹⁰

Epistemologically speaking, pan-Africanism can best be described as a world view emerging from the subaltern world, that is, a world inhabited by what Frantz Fanon termed the 'wretched of the earth'.¹¹ The 'wretched of the earth' included those who experienced the slave trade, colonialism and apartheid, whose life experiences invoked a spirit of resistance and rebellion against the debilitating aspects of a racially hierarchized, patriarchal, imperial, colonial and capitalist modern global social order which authorized and enabled the dominant powers of the West to enslave and colonize black races.¹² The genealogy of pan-Africanism is located within the experience of oppression which inevitably provoked resistance. Thus, pan-Africanism is ontologically a resistance movement and a terrain of struggles for black human dignity and human rights, confirming Mahmood Mamdani's analysis that 'without the fact of oppression, there can be no practice of resistance and no notion of rights'.¹³

International Relations and pan-Africanism

What is surprising is that in mainstream studies of International Relations (IR), pan-Africanism is not included as one of the important worldviews. Pan-Africanism, which arose as part of black racial consciousness, unfolded as a movement and worldview that questioned and indicted the dominant Eurocentric conceptions of the world, thus contributing towards visibilization of black identity as dominated, oppressed, abused and exploited by white races. The issue of race

as a core element used to justify black enslavement and colonization by white races provoked William Edward Burghardt du Bois, one of the fathers of pan-Africanism to articulate the contours of the human struggles of the 20th century in this way: ‘The problem of the twentieth century is the problem of colour-line—the relation of the darker to the lighter races of men in Asia and Africa, in America and islands of the sea.’¹⁴

This ubiquity of race in the history of black oppression and exploitation to which pan-Africanism emerged as response remains outside core concerns of IR as a discipline that seeks to understand the international system. This absence of engagement with the question of identity provoked Albert J. Paolini to pose the following pertinent questions:

Why is it that international relations, a discourse that sets out to explain the character of contemporary world politics and theorize the behaviour of states, makes so little space for questions of identity, subjectivity, and modernity, particularly as they apply to non-Western places such as Africa? Why do we need to make sense of world politics by referring to abstract concepts such as the state, sovereignty, order, and power than delving into the elementary human realm of culture and identity, which underpins the privileged categories of international relations?¹⁵

A recent book edited by Martin Griffiths entitled *International Relations Theory for the Twenty-First Century* deals with nine worldviews that were considered to underpin IR and represent the world, but there is no mention of pan-Africanism as a worldview. Griffiths defines a worldview as ‘a broad interpretation of the world and an application of this view to the way we judge and evaluate activities and structures that shape the world’.¹⁶ The nine worldviews analysed in Griffiths’s book are Realism, Liberal Internationalism, Marxism, Critical Theory, Constructivism, The English School, Poststructuralism, Feminism and Postcolonialism.¹⁷ The absence of pan-Africanism as a worldview in this collection indicates how it is sidelined within studies of the international system.

The best way to deal effectively with multifaceted and multi-layered essences and meanings of pan-Africanism is to adopt an historical approach that takes into account its key moments of development since 1900. This chapter therefore deals with three moments, beginning with the phase of convening of pan-African congresses; the era of the Organization of African Unity (OAU); and the current phase of the African Union (AU) and its drive for regional integration and ultimately continental unity. This approach is in tandem with Tim Murithi’s idea of defining the unfolding and development of pan-Africanism in terms of what he called ‘stages in the institutionalization of Pan-Africanism’.¹⁸

The contextualizing pan-Africanism and the pan-African congresses

As stated earlier, Pan-Africanism is rooted in struggles against the racially hierarchized international system that authorized the slave trade. The slave revolts in the so-called ‘New World’ and the literary works produced in the ‘slave triangle’ indirectly laid the foundations of pan-Africanism prior to West India bannister Henry Sylvester-Williams, formation of the African Association in London in 1897 that encouraged pan-African unity throughout the British colonies and prior to him organizing the first international Pan-African Congress in 1900.¹⁹

The 1900 inaugural Pan-African Congress was very important because, for the first time, the black people who were on the receiving end of racism and colonialism gathered at the centre of a leading colonial power (Britain) to discuss such varied issues as the socio-political and

economic conditions of blacks in the diaspora; the question of independent nations governed by people of African descent (Haiti, Liberia and Ethiopia); the problem of slavery and imperialism and the impact of Christianity on the African continent.²⁰

The important result of this Pan-African Congress was the drafting of an address 'To the Nations of the World' by du Bois which contained demands for the reform of the colonial system, including demands for the protection of the rights of people of African descent and guarantees for the respect for the integrity and independence of 'the free Negro States of Abyssinia, Liberia and Haiti'.²¹ The report was signed and sent to Queen Victoria of England. For the first time, the term 'pan-African' was placed in the centre of the international system.

The intellectual baton and the idea of pan-Africanism were then carried forward by du Bois, who subsequently hosted five Pan-African Congresses between 1919 and 1945. The hosting of Pan-African Congresses was well timed to coincide with major European events that had an impact on black people or had the potential to ignore African people's issues. For example, the 1919 Pan-African Congress held in Paris, France, coincided with the gathering of European and American politicians for a Peace Conference in Versailles, France, marking the end of the First World War (1914–18). The black representatives again demanded international protection of the black people of Africa from abuse, exploitation and violence; supervision of African colonies by the League of Nations to prevent further economic exploitation by foreign nations; abolition of slavery and capital punishment of colonial subjects; rights of black people to education within colonies; and rights of African people to participate in government.²²

Another important and distinctive Pan-African Congress among three others was the one held in Manchester, UK, in 1945. Its significance lay in the participation of African politicians from the African continent such as Kwame Nkrumah and Jomo Kenyatta. Before the 1945 Pan-African Congress, the pan-African movement was dominated by diaspora Africans. Second, the Manchester Pan-African Congress resolutions departed from the moderate position into radical demands, including calling for an end to colonialism. Colonized people were directly urged to unite and assert their rights to reject colonialism.²³

However, an exclusive focus on the Pan-African Congresses organized by du Bois as the motive forces of pan-Africanism tend to exclude the important contribution of Marcus Mosiah Garvey (a Jamaican) and his influential Universal Negro Improvement Association (UNIA). Unlike all those who pushed the idea of pan-Africanism through Pan-African Congresses, Garvey emphasized the issues of raising black racial consciousness and became popular for his 'back-to-Africa' movement and his radical slogan of 'Africa for Africans'. Uppermost in Garvey's activities was the restoration of black people's consciousness and dignity which slavery and colonialism had degraded. He also imagined the creation of 'a strong and powerful Negro nation in Africa'.²⁴ Despite some of its contradictions and ambiguities, Garveyism had a lot of influence among black people across the world and inside Africa, and contributed to the raising of black consciousness and rise of movements such as the one that was led by Steve Bantu Biko in South Africa in the 1970s.

At another level, even prior to the Pan-African Congresses such African thinkers as Blyden and Horton from West Africa also propagated pan-African ideas too.²⁵ This reality underlined the fact that pan-Africanism had various genealogies and was watered from various intellectual springs. The diverse genealogies contributed to pan-Africanism assuming an omnibus character: being concerned about unity of black people; acknowledging black people's rights to self-determination in Africa; asserting the dignity of black people across the world; asserting uniqueness of African identity; searching for equality of Africans with other races across the globe; and seeking self-government for the black peoples of Africa.²⁶ Ali Mazrui identified three forms of pan-Africanism, namely sub-Saharan pan-Africanism, trans-Saharan pan-Africanism

and transatlantic pan-Africanism. The first emphasized solidarity of black people of the African continent south of the Sahara desert, the second emphasized African unity from the Cape to Cairo, and the third emphasized unity and solidarity of all black people, including those in the diaspora.²⁷ What is clear is that combinations of these pan-Africanisms contributed to the galvanization of the decolonization process in Africa because without decolonization it was impossible to realize any of the strands.

The Organization of African Unity (OAU) and the international system

The OAU was a result of the African drive to institutionalize the principles of pan-Africanism, although its formation in 1963 did not fulfil the radical and maximalist vision of Kwame Nkrumah who wanted the establishment of an African Union government straight away to lay the basis of a United States of Africa. The OAU was launched within a context of tensions between forces of territorial nationalism with its proclivity towards national sovereignty and imperatives of pan-Africanism which were considered by some sovereignty-obsessed African leaders as a threat to hard-won national-judicial sovereignties.

In the early 1960s, African leaders became fragmented into three groups, namely the Brazzaville, Casablanca and Monrovia blocs. The first group constituted mainly those African leaders who were aligned to France. They were very moderate in their support for pan-Africanism emphasizing economic co-operation rather than political unity. The leading personalities in this bloc like Felix Houphouët-Boigny, Leopold Sedar Senghor, Hamani Diori and others were under the tutelage of the French leader Charles de Gaulle, who influenced them to dissociate with radical African leaders who wanted political union of African states. The Brazzaville Group emphasized co-operation with France despite its neo-colonial 'Eurafica' policy over solidarity with other African states.²⁸ They feared most the radical Nkrumahist ideas of political union that were 'ideologically socialist and pan-Africanist at once'.²⁹

The second group consisted of Ghana under Nkrumah and some who favoured a decisive and radical approach towards institutionalization of Pan-Africanism, including the establishment of a strong political unity of the continent as a prerequisite for economic co-operation. The third group occupied a middle ground but was more leaning towards the Brazzaville Group, and its leading voice was Nigeria which feared the dominance of Ghana under Nkrumah over the whole of Africa.³⁰

The Monrovia Group's position—which emphasized absolute equality and sovereignty of African states, the right to existence of individual states and freedom from annexation by another state, voluntary union of states, principles of non-interference in the domestic affairs of African states and prohibition of one state harbouring a dissident from another state—won the day and informed the construction of the OAU.³¹ The OAU became a product of a compromise and did not push hard for realization of continental unity. Instead the OAU became active in supporting the ideas of total decolonization of Africa which was in tandem with territorial nationalism.

It must be noted that the dreams of pan-African unity were further diluted by the imperative of the Cold War (1945–89), which contributed to the fragmentation of postcolonial African states along ideological lines (socialist versus capitalist).³² The middle-roaders preferred non-alignment. On top of this, the erstwhile colonial powers also attracted former colonies into such organizations as the British Commonwealth which was not in sync with the principles of pan-Africanism. The late 20th century was also dominated by discourses of a New World Order (NWO) which was expected to crystallize around the notions of 'unipolarity' of the world and emphasis on co-operation and maintenance of global peace and security. Within this

order, the USA as the sole superpower was expected to shift its foreign policy to support a democratic revolution in Africa.³³

By this time of the NWO discourses the OAU was pushing hard for the completion of the decolonization process while at the same time the other important issue was how to extricate African economies from the morass of underdevelopment. The Lagos Plan of Action of 1980 constituted a centrepiece of the African attempt to re-launch economic recovery of Africa informed by mobilization of indigenous resources and driven by Africans as opposed to the disastrous externally imposed Structural Adjustment Programmes that unfolded from the late 1970s onwards as a panacea to the problems of underdevelopment. In short, through the work of the OAU Liberation Committee the decolonization of Africa was achieved. The transition from apartheid to democracy in South Africa in 1994 was the penultimate of the continental decolonization project. While the decolonization of the continent remains one of the proudest moments in African history, under the OAU the pursuit of other goals of pan-Africanism such as political and economic unity of Africa were postponed until the time when the OAU was succeeded by the African Union in July 2002. As put by Kay Mathews:

The OAU was more political than economic in its orientation. It was conceived primarily from a desire to safeguard and consolidate Africa's political independence, sovereignty and territorial integrity.³⁴

The setting of the economic agenda for Africa had to preoccupy the African leaders at the dawn of the 20th century, when the political burden was to ensure that Africa claimed the new century as its own.

African renaissance, the African Union (AU) and the revival of pan-African unity

The dawn of the 21st century witnessed the rise of the millennial African renaissance as a revival of the Nkrumahist vision of a politically, ideologically and economically united African continent able to use its abundant economic wealth to benefit Africans. The mantle of pan-Africanism was now taken over by what Kay Mathews termed 'the new generation of Pan-Africanists'—leaders who included Thabo Mbeki of South Africa, Olusegun Obasanjo of Nigeria, Abdoulaye Wade of Senegal, Abdul-Aziz Bouteflika of Algeria, Joaquim Chissano of Mozambique and Alpha Oumar Konare of Mali.³⁵ These were the 'new pan-Africanists' whom Mathews described as 'the nascent generation' engaged in 'revitalizing and remaking of a new Africa'.³⁶ The revived philosophy of African renaissance as re-articulated by Mbeki provided the overarching ideological framework for the new initiatives to rebuild Africa into a strong and united pan-African entity.

The 'new pan-Africanists' pushed forward the agenda of pan-Africanism to the level of translation of the ideology and its claims into practical political and economic policies as well as creation of practical continental institutions capable of repositioning the African continent within global governance structures as a voice to be heard rather than a problem to be solved. Thus from its formation in July 2002, the AU tried to transcend the culture of being a mere 'talking forum' and engaged in the difficult task of creation and operationalization of new pan-African institutions. An array of new institutions emerged, such as the Pan-African Parliament (PAP), the Peace and Security Council (PSC), the African Standby Force (ASF), the New Partnership for Africa's Development (NEPAD), the African Peer Review Mechanism (APRM) and others as levers for the eventual creation of a Union Government for Africa.³⁷

The 'new generation of pan-Africanists' are concerned about Africa's over-dependency on the external world economically and even in terms of technological know-how; Africa's failure to exploit fully its potential at national, regional and continental level with respect to trade, education and health; mobilization of the African diaspora to assist with the economic development of the African continent; and reversing the asymmetrical global power relations that were installed by Western modernity whereby African is confined to a subaltern position in international relations.³⁸ According to the radical group of African leaders, particularly the late Colonel Muammar al-Qaddafi of Libya, these noble African concerns cannot be realized without achievement of political unity of the continent.

What is disappointing about the discourses on the formation of a Union Government for Africa is that they seem to degenerate into the 1960s camps of what Delphine Lecoutre categorized as the 'maximalists' who advocated the immediate creation of a Union Government for Africa, the 'gradualists' who are struck in the 'stage-by-stage' integration process taking place within regional economic communities (RECs), and the 'sceptics' who are taking a middle position between the 'maximalists' and the 'gradualists'.³⁹ The fact that at the Accra Summit of African Heads of States and Governments in July 2007 to decide on the path to be followed towards attainment of a Union Government for Africa, the 'gradualists' won the day as they did in 1963 at the formation of the OAU, indicates a continuing challenge of when the time will be ripe to launch a United States of Africa. The next concomitant question is: have the 'gradualists' not been given enough time to decide since the 1960s when the debate on a Union Government first emerged?⁴⁰

What is clear is that the Accra Summit failed to deliver a radical roadmap on the path to be followed towards creation of a Union Government for Africa, but on 27 November 2007, the African Union Ministerial Committee on the Union Government met in Addis Ababa, Ethiopia, to address some of the issues raised by the Accra Declaration. What can be highlighted about this meeting is that while it was haunted by the fragmentations that were prominent at the Accra Summit, it managed to draw a time frame for the launch and operationalization of a Union Government for Africa.⁴¹ The African Union has moved further towards the conversion of its Commission into an Authority with more power, as well as projecting 2017 as an important benchmark in the achievement of deeper continental integration. These recent moves by the AU are most welcome because it would seem that at this time of intensifying globalization, Africa can only succeed economically and be counted within global governance if it is truly united on the basis of pan-Africanism to articulate a common position at the global high table.

Conclusion

The key challenge to the success of pan-Africanism as an alternative worldview which emerged from the unequal encounters between Europe and Africa that was characterized by such inimical processes as mercantilism, the slave trade, imperialism, colonialism, apartheid, neo-colonialism and globalization, is how to equalize the asymmetrical power relations created by Western modernity as it exported its darker/underside aspects to the non-Western world. Without direct engagement with 'coloniality' and the preparedness of the Euro-American world to unite with Africans in particular and peoples of the global South in general, to change fundamentally the current racially hierarchized, patriarchal, capitalist, heteronormative and hegemonic global social order shot through by Eurocentrism, the space for realization of a United States of Africa that is truly postcolonial and independent to pursue an autonomous economic and political path unencumbered by the hidden colonial matrices of power remains minimal. The global capitalist

imperatives that inform 'new imperialism' orchestrated by the USA and its North Atlantic Treaty Organization (NATO) partners does not support a strong and united African continent within the current modern international system because such a new strong actor from the global South will not entertain exploitative forays of Europe and USA that underdevelop Africans.

At another level, the pan-African project has suffered causalities with the exit from the political stage of such leaders as Mbeki and Obasanjo. African leaders need to transcend the narrow nationalism that privileges individual and fragile state sovereignties at a time when even powerful and industrialized European states are maximizing the values of pan-Europeanism via the strengthening of the European Union (EU). What is clear is that pan-Africanism as a counter-hegemonic worldview must intensify the struggle for a just international system that does not interfere with the agenda of building a United States of Africa as a strong global economic and political actor able to bargain effectively on behalf of the African people at such forums as the World Trade Organization (WTO), International Monetary Fund (IMF), World Bank and United Nations.

Notes

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The impact of globalization on Africa

Berouk Mesfin

Introduction

In 2001, at a memorable lecture at Addis Ababa University in Ethiopia, the eminent British academic Professor Christopher Clapham, who has written extensively on Africa, stated that almost all African countries are traditionally no more than ‘sources of raw materials, hosts to private foreign investors and debtors of Western countries and international institutions’. The author of this chapter, who attended the lecture, raised a number of objections to this blunt assertion pointing to the diversification and difference in economic strength of the countries of Africa. How can one amalgamate comparative economic giants such as South Africa, the sixth largest oil exporter in the world that is Nigeria, and Africa’s numerous exporters of raw materials? The author of this chapter had felt that Professor Clapham’s generalization obscured what Whitman calls ‘national differences, competing if not contradictory impulses, uneven outcomes’.¹

Yet, on second thoughts and after almost 10 years, the author of this chapter recognizes that Africa is indeed a homogenous entity. It shares a history of colonization or informal imperial control and is characterized by varying degrees of poverty and development and also by high population growth. It assembles over 50 countries, out of the world’s 200, which are home for over 900 million people, or roughly one-seventh of humanity. Despite the large amount of well-intentioned aid provided so far, Africa produced only 1.8% of the world’s output in the late 1990s.² Moreover, Africa ‘accounts for such a small share of global markets, with only 1.3% of world stock market capitalisation, 0.2% of debt securities and 0.8% of bank assets. And such Foreign Direct Investment [FDI] as there is—representing just 4% of the world’s total—is concentrated in Africa’s handful of resource-rich countries’.³

Since the end of the Cold War, as the vast process of globalization set in and as the global political and economic landscape became significantly altered, two questions have dominated the issue of Africa’s immediate future: what are precisely the driving forces, features and flows of globalization and what is the impact of globalization on Africa? This chapter seeks to answer these two fundamental questions in order to analyse the place of Africa in the new global economy and to determine whether it will ever ripen the fruits of globalization on a par with the other continents.

Understanding globalization

Context and selected definitions

In the last two decades of the 20th century and the first decade of the 21st century, economic factors have become increasingly central in international relations with the global economy experiencing a series of sudden and violent shocks: the crisis in the European monetary system of 1992–93, the Mexican crisis of 1994–98, the East Asian financial crisis of 1997, the Russian financial crisis of 1998, the Brazilian and Argentine crisis of 1998–99, and the global financial and economic crisis of 2008. This last crisis was the most severe since the Great Depression of the 1930s, threatened the stability of the global economy and led to numerous multi-billion stimulus and bailout packages. In this context, the debate about globalization became quite intense.

Nevertheless, the absence of a universally agreed definition of the term created wide-ranging disagreement among writers,⁴ causing a stalemate in the globalization debate. This is combined with the fact that the concept was being emphasized not only at the theoretical level, but also at the practical level. One definition describes globalization as ‘a process associated with increasing openness, growing economic interdependence and deepening economic integration into the world economy’.⁵ Another definition designates it as ‘a dynamic whereby the social structures of modernity (capitalism, rationalism, industrialism, bureaucratism, etc.) are spread the world over, normally destroying pre-existent cultures and local self-determination in the process’.⁶ The World Bank simply defined it as ‘the growing integration of economies and societies around the world’,⁷ and many other writers even took the 11 September 2001 attacks on the USA as aspects of globalization.⁸

Globalization = global capitalism

The dependency theory holds that industrialized-developed countries, aka the centre, and developing countries, aka the peripheries, alike are part and parcel of a single world system, which is in turn integrated into the Western capitalist system. The theory assumes that the Western countries completely control the sphere of trade, finance and technology. It also assumes that the West set the rules of conduct without much reference to the rest of the world. Thus, African economies are totally dependent upon the capitalist system in terms of capital, technology and organizational methods. This dependence is partly the result of the incorporation of Africa into the capitalist system dating back to the era of colonization and imperialism.⁹

This dependence was bolstered after the end of the Cold War when capitalism alone offered a powerful vision of an integrated global economy, of world prosperity and ultimately of democracy. Multinational companies were to pour technology and capital into Africa, creating a transitional market of middle-class consumers. These consumers would drive Toyotas, use credit cards and internet banking, addictively watch Hollywood movies and TV series, follow news on CNN or the BBC, eat McDonald’s hamburgers and incidentally demand more political reforms.¹⁰

Some writers went further. Fukuyama, for instance, argued in his widely read book entitled *The End of History and the Last Man* that the victory of the USA, or the West in general, on the Soviet Union and its proposal of socialist development had established the inevitable triumph of capitalism and liberal democracy, thus bringing history understood as the clash of ideas to an end.¹¹ Accordingly, globalization is nothing but the ideological child of the hypercapitalist West, reflecting its will to both political and economic supremacy.

Economic features of globalization

Globalization has the following economic features.

A polycentric world

The USA, Europe (or better the European Union—EU), Japan and the People's Republic of China supply two-thirds of the production and exchange of the world, constituting the centre, or a sort of 'capitalist trade'.¹² They hold the power of decision, of command and innovation in all domains—political, financial, scientific and even cultural.

The USA remains the most complete and powerful pole of the centre, despite its transformation into the biggest debtor country in the world. The power of the USA is based on a high standard of living, an international currency, efficient research centres, conquering culture and ideals, as well as an unequalled military might.¹³ Its role is predominant in all international organisms, whether the Security Council of the United Nations (UN), the International Monetary Fund (IMF) and World Bank, the Group of 20 or the World Trade Organization (WTO). The EU, with 370 million inhabitants and a gross domestic product (GDP) equivalent to that of the USA, polarizes the economy of the entire European continent and its attraction and connection stretches to Africa in the scope of the Lomé accords.

Even if Japan is still an important economy in Asia, China is the country that has experienced the strongest economic growth since the 1990s. China realizes an important portion of foreign investment and pulls in its wake the newly industrialized countries of East Asia. In contrast to these three poles of centre, Africa and other peripheries are 'characterised by a clearly lower standard of living of their populations, the chronic weakness of their production, their lack of autonomy in decision-making, their limited and dependent activity of supplying labour and raw materials to the center'.¹⁴

Growth in international trade

The second half of the 20th century witnessed a sizeable and regular growth of the exchanges in products, services, capital and information on a global scale. The total volume of trade exploded from US\$57 billion in 1947 to \$6 trillion in the late 1990s.¹⁵ This growth can be explained in that 'the proliferation of multilateral and regional initiatives helped accelerate the growth in the volume of world trade from less than 3.1% in the early 1980s to 7.3% in the late 1990s, outpacing the growth of output'.¹⁶ It can also be explained by the increase of world population, the improvement in living standards, advances in science and technology, the international strategies and expansion of multinational companies, and the liberal policies negotiated within the scope of international institutions such as the WTO.

The improvement in living standards, in particular in Western countries, led to a very large demand for manufactured and energy products as well as raw materials. In African countries, the Western model of consumption also spurred a demand for and the importation of manufactured products that are symbols of a modern way of life. Also, a population growth more rapid than the production of food products stimulated the market of agricultural products, in particular of wheat. Finally, in the newly industrialized countries of East Asia, the cheaper and abundant labour was utilized to produce manufactured goods destined for exportation.

The most important branch of international trade is the manufacturing sector. If the share of textiles and of the metallurgical industry is declining, that of the mechanical and electrical industries is recording steady progress. After a phase of growth up to 1979, the share of primary

products has fallen, owing to the negative evolution of the oil price and the weak value of agricultural products. Though they provide plenty of jobs and income in the West, services occupy a modest place in international trade exchanges.

The geography of international trade exchange is closely linked to the above-described big zones of activity of the global economy: the USA, Europe, Japan and China. International exchanges are primarily carried out among these zones, dominated by the exchanges of manufactured products and reflecting their economic inter-penetration.¹⁷ Conversely, trade exchanges between these zones and African countries are low. Africa exports primary products to the industrialized countries and imports manufactured products along with wheat.

Globalization of financial markets and multinational companies

The international financial system has become a single market, with multinational commercial, industrial and financial companies, directly and without any interference, mainly thanks to deregulation policies, borrowing, acquiring other companies or creating subsidiaries. It functions constantly, as financial markets like those of New York, London, Paris, Frankfurt and Tokyo are interconnected through information technology for 24-hour, real-time trading, and in this context FDI has dramatically increased. FDI is 'far more than mere capital: it is a uniquely potent bundle of capital, contacts and managerial, technological knowledge, it is the cutting edge of globalisation'.¹⁸ The flow of FDI is in its majority oriented towards the above-mentioned three poles of the centre, although since 1990 an increasing quantity of FDI has been directed towards Asia and Latin America.

Purely financial activities experienced an incredible expansion, for instance in 1995 the volume of exchanges reached \$1,200 billion per day; however, short-term and speculative movements have replaced direct investment with industrial and commercial objectives, thereby multiplying the risk of financial crisis and paralyzing the monetary authorities of states in the face of speculation: '44,508 multinational financial, commercial and industrial companies and their 276,660 subsidiaries control global trade and production.'¹⁹ Seeking higher profit and aided by technological innovation, these companies make among themselves alliances that create a monopolistic corporate interdependence, which in turn limits the self-sufficiency of Africa's national systems of production.

Enhanced role of multilateral institutions

The development and strength of multilateral institutions that set goals and allocate decisions²⁰ on a global level is another new feature of globalization. Such institutions include the Geneva-based WTO, which since 1995 has attempted to police the regime governing trade and investment flows, the Washington-based IMF and World Bank that prescribe structural and stabilization programmes and comprehensively intervene in all economic sectors.²¹

Globalization's impact on Africa

High growth rates

Globalization has made an impact on Africa which 'differs from individual to individual, from group to group, from class to class and from country to country'.²² Yet, in the last three decades, globalization has set in motion a process of broad and partially positive change. Many African countries have enjoyed double-digit growth. In fact, it was estimated by the

African Development Bank that the African continent enjoyed real GDP growth of 5.7% in 2007.

This impressive economic growth was supported by 'strong external demand for commodity exports, especially oil and non-oil minerals, increased investment in these sectors and good growing conditions for agriculture in most countries'.²³ Globalization thus provided a great opportunity for growth which, even if it had not caught up with 'Africa's rapid population growth of 3% per annum—the highest in the world',²⁴ had in turn promoted higher incomes and rising standards of living in Africa in a way that has never been the case previously.

Continued lack of development

Almost all African countries are 'dependent on the production and export of primary commodities [at a low stage of processing] whose share of world trade is declining and which are increasingly becoming less important in today's competitive world'.²⁵ Thus, they continue to be 'extremely vulnerable to the vicissitudes of commodities markets which are exclusively based in the West and to adverse weather conditions. As a result, they lack a steady and dependable source of export earnings that are important for financing development'.²⁶

Moreover, despite claims to the contrary,²⁷ Africa does not receive substantial FDI and private capital flows because it is considered 'the most risky environment to do business with due to ... credibility of policy, poor and inefficient infrastructure and an inadequate social capital',²⁸ as well as political instability and the recurrence of destructive wars. Indeed, globalization has created major challenges reflected in the inability of African countries, maybe with the exception of South Africa, to attract FDI because incentives essential both to the attraction and maintenance of investors, such as quality social amenities and infrastructure like good communication networks, are lacking.²⁹

African countries are deficient in highly trained and skilful labour indispensable to diversify economies, attract FDI, adopt modern technology and increase productivity—in short, compete in the present competitive global economy. Indeed, globalization requires competitiveness including the acquisition of skills by individuals and companies alike in order to compete in the global market place. Africa's experience shows that the acquisition of skills is best accomplished with state assistance. Yet, globalization 'calls on the state to de-subsidise social amenities, globalisation hinders the acquisition of skills by a majority of Africa's population'.³⁰

Worsening social inequalities

Despite multiple initiatives to counteract this trend, social inequalities are worsening not only in remote villages but also in the congested urban areas. Combined with atrocious working conditions and the extreme centralization of state structures that monopolize political and economic power, these inequalities have led to political contestation and social unrest evidenced by the spontaneous and leaderless revolutions in Tunisia, Egypt and Libya in 2010 and 2011. These revolutions culminated in toppling the long-standing governments in these three countries.

The roots of these revolutions can be traced to the decades of rule of Zine al-Abidine Ben Ali, Hosni Mubarak and Muammar al-Qaddafi. The three leaders arbitrarily monopolized economic and political power. What is most surprising is that the causes for discontent were clear for all to see but no one in the Tunisian, Egyptian and Libyan governments, until the very last moment, suspected the imminence of these revolutions. The three governments had also failed to understand the determination of an openly insurrectional youth fed up with persistently increasing unemployment.

Unemployment has increased since the early 1990s and has remained at high levels since then. It is a hidden time bomb compounded by globalization and essentially related to liberalization policies dictated by international institutions. Unemployment is further aggravated by African governments' austerity measures, including massive retrenchment of civil servants,³¹ which cause a deep feeling of economic insecurity.

Political instability

To hold onto power, to hold the state together or to defend the claims and attacks of other states, African governments devote a large share of national expenditure to maintaining armed forces of large dimensions and buying sophisticated weapons from Western multinational companies. This kind of excessive militarization entails an increased burden in the present times of dwindling resources.

Moreover, African governments are not transparent in internal and external economic decision making, and they are:

compelled to adopt economic policies that conform to international desires and not necessarily those that satisfy domestic constituencies. In this wise, not only is the freedom of the state seriously circumscribed, but its options have also been severely limited ... foreign policy decisions of government are informed more by economic than political considerations ... foreign policy concerns of African states are dominated by a desire to receive foreign aid or to reschedule debts.³²

On the one hand, African governments' excessive dependence on international institutions³³ limits their autonomy. On the other hand, their excessive dependence on foreign capital and continuing need for FDI in order to create employment opportunities also limits their freedom to direct, control and manage the development of their countries' economies.³⁴ Indeed, as multinational companies come in, 'they internationalise the host economies which were once considered purely domestic and under the jurisdiction of the state under multilateral disciplines'.³⁵

More seriously, corruption 'has grown in spread, depth and sophistication in Africa'.³⁶ According to serious estimates, corruption matches the continent's debt accumulated in decades and amounting to \$300 billion. Corrupt politicians and officials are engaged in the systematic theft of vast quantities of state funds,³⁷ thereby further deterring sustainable growth as well as investment. Particularly, 'in the present conjuncture where globalisation has opened up African economies to foreign commercial interests, Africa's political and economic elites have forged lucrative links with elites based in multinational companies supplying various commodities to Africa through bilateral and multilateral channels, financial institutions, governments and many others involved in Africa's external political economy'.³⁸

The further and deeper marginalization of Africa

As mentioned previously in this chapter, the West dominates the global economy. In the WTO, for instance, the West 'resorts to a unilateral exercise of power, ignoring the rules, because small countries do not have the economic strength, even if they have the legal right to retaliate'.³⁹ The West has created a 'tight system of protection of property rights ... [which] might pre-empt or stifle the development of domestic technological capacities'.⁴⁰

It raises new issues such as 'environment and labour standards as well as the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) and Trade-related Investment

Measures (TRIMs) [which] are likely to contribute to the further marginalisation of African economies by preventing market access as well as by limiting the ability of African countries to adopt and adapt new technologies and production methods'.⁴¹

Furthermore, the West imposes policy conditions of competitiveness on the fragile economies of Africa through the IMF and World Bank. These conditions ultimately lead to both the disengagement of governments and the openness of these economies which now face more demanding foreign markets and the free flow of cheaper foreign products. Indeed, 'as Africa's industries [were] produced at high cost because of their labour-intensive nature, they were easily out-competed by foreign companies which adopted more efficient methods of production'.⁴²

African commodities will not be able to compete in the global economy, 'not just because of the so-called poor qualities or tastes, but because the global market is highly politicised and Africa is at the periphery of world politics'.⁴³ The most visible effect is the increased vulnerability to pressures from recurrent economic and financial crises.⁴⁴ African economies do not have the information and mechanism to deal with these crises, which can have a devastating impact—immediately or later, as well as directly or indirectly—on them.

Conclusion

Third World countries have experienced different socio-economic fortunes in terms of productivity, living standards and education for the last three decades, which have coincided with the emergence of globalization—a rather complex phenomenon. Whatever its complexity, however, it is increasingly crystal clear that globalization is the process by which the hypercapitalist West is comprehensively dominating and exploiting all Third World countries, though at different levels given the variety and evolution of situations, as evidenced by the different cases of Asia and Africa.

Indeed, 'although Africa and Asia initially belonged to the Third World, globalisation has placed them in new and different worlds today'.⁴⁵ It follows from this that benefiting or not benefiting from globalization, especially for African countries, largely depends on the specific interests and policies of the West which is the driving force of globalization and alone decides on the form and dosage of its benefits.

Overall, seemingly impressive gains were obtained in most African countries. Yet, the much-anticipated leap forward of Africa has proven to be wishful thinking and false hope. Indeed, no significant and comprehensive improvement in socio-economic and political conditions was noted. Instead, the disparities between African countries were exacerbated. The deepening of these disparities stemmed from the varying capacities of countries to confront the challenges or tap the opportunities offered by globalization.⁴⁶ It indicated a deepening polarization between social classes and between regions within African countries.

The solution does not lie in isolating African economies which might compound their marginalization. The solution lies rather in a series of both global and national measures which should be co-ordinated and will take time. The first measure would be to draw lessons from past economic policies. A second measure would be pragmatically to design and implement long-term, transparent and realistic policies tailored to the specific situations in the different countries, inevitably in consultation with the international institutions.

A third measure would be to institute greater representation of African countries in the decision-making bodies of international institutions, a small but responsible correction in the uneven distribution of power in international relations. The reform in the decision making of international institutions should include hiring more Africans in the IMF and the World Bank. Such a reform would improve the capacity of these institutions better to understand the political

and socio-economic contexts and limitations of African countries and to work more effectively with their governments.

A fourth and final measure would be for African governments to pursue more forceful economic policies. These policies should stimulate both domestic and foreign investment, the latter with its benefit of useful technological transfer, in all economic sectors. The policies should provide all investors with incentives, nurture local industries and ensure enhanced accountability on the part of multinational companies. Next on the list is the need to create political stability and reform inefficient administrative structures and controlling corruption, however difficult it may be. Such policies could place African countries in a better position to mobilize economic resources and attain realistic but long-term economic goals.

Moreover, African governments should do more to develop a more skilful labour force and the ability to market diverse products that are available in abundance.⁴⁷ Finally, African governments should make more vigorous efforts to strengthen regional co-operation arrangements under the auspices of the African Union and the regional economic communities. Such arrangements could help pool resources, secure access to larger and stronger markets, and develop stronger and more competitive economies. In this way, it could be possible for African governments to minimize or even counter the multiple pressures of globalization which are developing faster than most African countries are able to react to their impact.

Notes

- 1 J. Whitman, 'Africa and Globalisation', in D. Francis (ed.) *Peace and Conflict in Africa*, London: Zed Books, 2008, 186.
- 2 O. Kabbaj, *The Challenge of African Development*, Oxford: Oxford University Press, 2003, 114. It should be remembered that in Africa it is difficult to use and evaluate objectively the most recent facts and trends, especially at the grassroots level. This is so because essential statistics are either systematically disguised or even distorted in order to reflect unjustifiably optimistic official views and hide structural weaknesses and inherent disparities.
- 3 E. Stater, 'Five Reasons why Africa Really Matters to the World', 2009, 1, www.europesworld.org/NewEnglish/Home_old/Article/tabid/191/ArticleType/articleview/ArticleID/21431/language/en-US/Default.aspx (accessed 17 June 2011).
- 4 The concept has been used so frequently by journalists, academicians and policy makers alike that it has become a reality. F. Cooper suggested that globalization is a 'term whose meaning is not clear and over which substantial disagreements exist among those who use it'. 'What is the Concept of Globalisation Good for? An African Historian's Perspective', *African Affairs* 100 (2001): 196. C. Hughes has noted that 'globalisation is a notoriously slippery concept and has produced a bewildering number of definitions'. 'Conceptualising the Globalisation-Security Nexus in the Asia-Pacific', *Security Dialogue* 32: 4 (2001): 408.
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- 15 R. Gilpin, *The Challenge of Global Capitalism*, Princeton, NJ: Princeton University Press, 2006, 20.

- 16 O. Kabbaj, *The Challenge of African Development*, Oxford: Oxford University Press, 2003, 112.
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- 26 Ibid.
- 27 'Investment in Africa', *The Economist* 355: 8173 (2000): 123.
- 28 Economic Commission for Africa, 'Required Institutional Changes to Adjust to Globalisation', 8.
- 29 Akokpari, 'Globalisation and the Challenges of the African State', 192.
- 30 Ibid.
- 31 Ibid., 197–98.
- 32 Ibid., 196.
- 33 T. Lumumba-Kasongo, 'Reconceptualising the State as the Leading Agent for Development in the Context of Globalisation in Africa', *African Journal of Political Science* 7: 1 (2002): 103.
- 34 Akokpari, 'Globalisation and the Challenges of the African State', 192.
- 35 Ibid., 192.
- 36 K. Ninsin, 'Globalisation and the Future of Africa', African Association of Political Science Occasional Paper Series 4: 1 (2000): 13.
- 37 Nigeria's Sani Abacha and his senior henchmen are believed to have plundered over \$5 billion in the space of only three years.
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- 39 Economic Commission for Africa, 'Required Institutional Changes to Adjust to Globalisation', 7.
- 40 Ibid.
- 41 Ibid.
- 42 Akokpari, 'Globalisation and the Challenges of the African State', 197–98.
- 43 T. Lumumba-Kasongo, 'Reconceptualising the State as the Leading Agent for Development in the Context of Globalisation in Africa', 105.
- 44 According to I. Massa and D.W. Velde, there is strong evidence that many African economies including the most successful ones were affected by the global financial and economic crisis of 2008, which threatened to erode the gains in living standards seen in recent years. Aid was reduced, demand for African commodities declined and their price fell sharply, and the flow of remittances was also reduced. In fact, Africa's growth rate slowed down to 5.5% in 2008 and 5.1% in 2009. 'The Global Financial Crisis: Will Successful African Countries be Affected', Overseas Development Institute Background Note (2008): 2.
- 45 Akokpari, 'Globalisation and the Challenges of the African State', 194.
- 46 Ibid., 193.
- 47 Africa enjoys an abundance of natural resources. Indeed, it 'ranks as the world's number 1 in its reserves of bauxite, chromites, cobalt, diamonds and gold. It is rich in palladium, phosphates, platinum group metals, titanium minerals, vanadium and zircon. African production accounts for 80% of the world's platinum group metals, 55% of chromites, 49% of palladium, 45% of vanadium and up to 55% of gold and diamonds.' Stater, 'Five Reasons why Africa Really Matters to the World', 2.

Africa's international relations beyond the state

Insights from the Niger Delta

Cyril Obi

Introduction

Since the end of the East–West Cold War in the late 1980s, increased attention has been paid to the emergence of non-state actors in international relations. The transformations in post-Cold War international relations were both linked to increased globalization, the prominent role of transnational, trans-territorial and non-state actors operating in an evolving world order. Given the marginalization of Africa in International Relations (IR) theory, it is apposite to begin to address the contributions of the continent to ongoing global transformations as a step towards promoting an acknowledgement of, and a balanced understanding of, its contribution to the field.¹ This is a reaffirmation of an earlier observation by Dunn, to the effect that ‘the continent is the ever-present and necessary counterpart that makes dominant theories complete’.²

This chapter makes a case for the visibility and validation of Africa’s contribution to the reshaping of international relations, by focusing on the role of non-state, trans-territorialized actors in Nigeria’s Niger Delta. In keeping faith with the observation by Wæver and Tickner on the need to ‘know how international relations is practiced in different geocultural sites’,³ the case of the Niger Delta as a ‘globalized’ locale of oil extraction involving various transnational forces, actors and processes, provides a compelling case for knowledge on Africa’s post-Cold War IR.

This explains why the oil-rich Niger Delta is one of the critical sites from which to glean recent developments in Africa’s IR and also serves as a place from which to ‘rethink traditional IR theories by taking Africa as its starting point’.⁴ In setting about its task, this chapter is organized into five sections. While the introduction outlines the goals of the paper, the second section conceptually locates the Niger Delta in the dialectics of globalized oil production. The third and fourth sections explore the centrality of the Niger Delta to the energy security of the world’s emerging and established powers and the ways local resistance connect with transnational networks. The conclusion sums up the arguments, noting the significance of the globalization of the Niger Delta for IR.

The Niger Delta in context

The Niger Delta is the main source of Nigeria's oil and gas destined for the global market. Oil extraction and production is mainly carried out by transnational oil corporations operating in partnership with the Nigerian state,⁵ and supported by their home governments, but also resisted by local forces connected through complex alliances with transnational civil society and advocacy networks.⁶ Since local protests and resistance to oil extraction, production gained national and global prominence since the early 1990s, scholars have pointed to the Niger Delta as a 'space' where local and global forces, below, above, across and within the state interact, struggle and contest power over oil and the distribution of its benefits.⁷ Local resistance in the Niger Delta has been largely organized by non-state or sub-state actors such as the Movement for the Survival of Ogoni People (MOSOP), which waged a partly successful (non-violent) campaign against the Nigerian state and a local subsidiary of Royal Dutch Shell in the 1990s,⁸ while the decade that followed witnessed an insurgency against the state-transnational oil partnership, featuring the insurgent Movement for the Emancipation of the Niger Delta (MEND).⁹

The Nigerian state has attempted to play the role of the main actor both in relation to the oil companies and in suppressing what it considered an attack by local actors on legitimate authority. However, it is obvious that both the forces with which it partners and those it seeks to neutralize operate within and outside of its space of authority. In this regard, the sovereignty of the Nigerian state is being simultaneously interrogated and transformed in the face of trans-territorialized globalized oil production and the activities of non-state actors acting outside of the authority of the state (but with some actors being co-opted by it) and its territorial confines, and connecting with global actors and processes.

(Re)conceptualizing Africa's international relations: the Niger Delta case

Although the Niger Delta is a relatively small area of about 75,000 sq km in southern Nigeria, its significance transcends the country's borders and the news and impact of violent events in this oil-rich region are felt across the world. The history of the Niger Delta and its relationship with the world appears to be intertwined with two types of oil: palm oil and crude oil. These two commodities among others have played a defining role in the trade, politics and society in the Niger Delta in the 19th, 20th and 21st centuries. Given the strategic geographical location of the region in the Gulf of Guinea as a natural entrepôt of the transatlantic trade for over 500 years, it is logical that the Niger Delta through contact and commerce was one of the earliest parts of Nigeria to be integrated into the global economic system.¹⁰

This process of integration has broadly defined the scale of what may be considered 'the international relations of the Niger Delta'. It is a relationship that preceded the birth of the Nigeria. However, the dependence of the post-colonial Nigerian state on oil (as its chief national revenue earner and export commodity) has ensured that 'non-state forces—local and transnational, below and above the state, particularly in the Niger Delta—are now involved in the crisis-ridden relationship between the Nigerian state and the international system'.¹¹

The Niger Delta case shows that Africa's international relations, in more ways than one, predate the birth of nation-states in the continent. Second, it shows that even after independence, the capacity of states to take 'sole charge' of external relations has been moderated or limited by both internal factors and changes in the international system. Nowhere is this as pronounced as in the globalized oil system in which the Niger Delta as an oil-rich (global) enclave serves as one of the nodal points of Nigeria's integration into the global market.

Globalization and the Niger Delta

Globalization has been defined variously as 'a multicentric, multiscalar, multitemporal, multi-form, and multicausal process'.¹² However, in its current form(s) it can be understood in the context of growing trans-global 'meshing' and inter-dependence of the various locales and levels of a global 'whole', which is also 'present' in its various scales and spaces. While some perspectives emphasize how globalization is erasing national borders and accelerating the 'withering away of the state', others argue that no fundamental change has occurred, except that state-driven regionalism has assumed prominence across the world. According to another perspective, the most important issue relates to the prominent role being played by non-state actors, the nature of global transformations and its implications for the various regions and peoples of the world.

Gills makes the point that globalization cannot be fully understood outside the transnational expansionist logic of capital.¹³ Globalization thrives on the expansion and intensification of capitalist relations across spaces, times and levels. This corresponds with the position that, 'globalization is not a single unified phenomenon, but a syndrome of processes and activities'.¹⁴ As Mittelman notes, it is characterized by the 'increase in interconnections, or interdependence, a rise in transnational flows, and an intensification of processes such that the world is, in some respects becoming a single place'.¹⁵ Yet, the issue of the nodes or location of such interconnections and intersections, and the relationships between the various levels and actors, should not be lost to the analysis.

Intersections between the 'global' and the 'local' can become flashpoints of conflict, where some local forces pitch their battles against those aspects of globalization that exploit and impoverish local peoples, while others collude with global forces to extract resources. In the Niger Delta, local forces have historically co-operated with, and then resisted, hegemonic forces of globalization when such have sought the control of the region's vast resource wealth, and excluded the people from gaining access to the wealth and benefits derived from the exploitation of their resources and the transfer of such wealth to distant places and people outside of the Niger Delta.¹⁶

Thus, the politics of local resistance becomes an instrument for those who are alienated by extractive globalized capitalist social relations, which tend to strip local people of their power, rights and resources, and subordinate local interests to the extractive logic of globalized accumulation of wealth. It should be noted that this complex politics is characterized by blurred boundaries, complexities, contradictions and ambiguities. What is important to note is that the processes of globalization have reconfigured social relations of oil production and fuel a complex bundle of contradictions, contestations and processes that go beyond the territoriality and capacity of the Nigerian state which is a part of the transnational alliance extracting oil from the region.

The international ramifications of Niger Delta oil

Though located in Nigeria, the Niger Delta's significance transcends the country's borders due to its critical importance to the global energy security calculations of the world's established and emerging powers. It is geostrategically framed within the context of the broader regional West African Gulf of Guinea or new Oil Gulf stretching from Mauritania to Angola that accounts for about 15% of US oil imports which is expected to grow to 25% in 2020.¹⁷

Oil import-dependent global powers view the Nigerian state as a strategic partner in a period of growing oil demand, and shrinking oil supplies, and through the lenses of its (in)ability to maintain security in a highly valued source of supply, the Niger Delta. Global powers (such as the USA, Germany, France, the UK and the People's Republic of China) and actors (particularly

oil multinationals and state oil corporations) keen on ensuring uninterrupted supplies of oil from the region, support the efforts of the Nigerian state in asserting its authority over this oil-rich region. The perceived (in)capacity of the Nigerian state to secure its territory becomes a context for international intervention designed to empower it as a national part of a transnational alliance of extraction and accumulation.

International efforts at securing oil also go beyond the state both in terms of the control of oil technology by oil transnational firms and their employment of transnational private security corporations to protect oil assets and personnel.¹⁸ On the other hand, for the forces of local resistance struggling against the transnational oil alliance—seen as extractors, expropriators and polluters, the moral case of the rights of the people over the oil in their local communities becomes an organizing principle for challenging the sovereignty of the Nigerian state and its claims to the ‘legitimate’ ownership of the oil in the region.¹⁹

The escalation of militancy in the Niger Delta from 2006,²⁰ raised concerns within the international community, particularly the USA, regarding its energy security interests in the face of a ‘critically weak Nigerian state’.²¹ The weakness of the Nigerian state (and corruption of political elites), largely measured in terms of its inability effectively to put down challenges to its sovereignty or address the grievances of the people of the Niger Delta, is seen as a threat that is capable of disrupting global oil commerce. Apart from the billions of dollars-worth of oil investments by US oil companies, the theft and sale of crude oil by transnational criminal networks (oil bunkering), and the safety of American oil workers, the entry of oil companies from China, India, Brazil, Malaysia and the Republic of Korea (South Korea) into the region are perceived as serious threats.

As part of its response, the USA has entered into various strategic and military co-operation programmes with the Nigerian state, and encouraged it to bring the insurgent militias into some kind of peace arrangement based on an amnesty and disarmament, demobilization and reintegration (DDR) programme. These eventually paid off with the granting of an amnesty to Niger Delta insurgents in 2009. US initiatives to protect its security interests have also included the setting up of a US Africa Command (AFRICOM) to oversee US strategic interests on the continent, the establishment of an African Partnership Station (APS west) in Senegal (under the auspices of the US Naval Force Africa), while also supporting the establishment of the Gulf of Guinea Guard Force (under the auspices of the US European Command). The US engagement with the Nigerian state exists alongside massive investments by Western and US oil multinationals in the Niger Delta and operations by Western and US-based private security corporations hired by oil transnationals to provide security for their personnel and physical assets.

Apart from being a site for transnational oil production and contestations over oil, the Niger Delta is also a site for illegal ‘oil bunkering’ involving well-organized local and transnational criminal networks. According to the most recent United Nations Office on Drugs and Crime (UNODC) report on transnational trafficking in West Africa, some 100,000–200,000 barrels of oil per day are stolen by highly organized syndicates, resulting in a loss of between 5% and 10% of official Nigerian oil production.²² Given that illegal oil bunkering has had both local and transnational security implications, it has also attracted the attention of the UN and regional bodies.

The presence and activities of these national and transnational non-state actors keen on ensuring the security of oil supplies from the Niger Delta has had far-reaching implications for the capacity of the Nigerian state to play the role of an autonomous actor in international affairs. The militarization of global oil commerce has defined the Niger Delta as a ‘securitized space’ to which hegemonic forces seek unimpeded access for uninterrupted oil supplies. In terms of the military balance between the USA and its African partners within the re-securitization of the oil-rich Gulf of Guinea, it is obvious where the balance of power tilts.

While on the one hand the 'territorial' Nigerian state has served as the 'container' of and actor in the struggles over the oil in the Niger Delta, its legitimacy, power and sovereignty—to some extent buoyed by support from hegemonic global actors—has not gone uncontested. Forces of local resistance organized as ethnic identity social movements and insurgent militias have been able to 'by-pass the Nigerian state', and target a global audience by engaging transnational media, international rights networks in empowering local claims and demands. In some cases, some have taken advantage of international legal instruments/conventions and court processes in Europe and the USA to seek redress for violations committed in the Niger Delta by transnational oil companies with their headquarters in the West.

MOSOP waged a partly successful global campaign in the 1990s against Shell and the Nigerian state, which it accused of violating the human and environmental rights of the ethnic minority Ogoni of the Niger Delta. Until recently, some insurgent militias in the Niger Delta had targeted oil transnationals by taking hostages or sabotaging oil installations, and using information and communications technology (ICT) and a skilful media campaign to draw global attention to local grievances and asserting a popular form of sovereignty from 'below' as opposed to the one from 'above'.

Local resistance in the Niger Delta: the global connections

The struggles for local resistance in the Niger Delta have been largely organized by social/ethnic minority identity movements protesting against the exploitation, pollution and impoverishment of the region by the state-oil transnational partnership. These struggles assumed greater urgency as a result of the economic crisis that followed the sharp decline in global oil prices and Nigeria's oil exports, contributing to Nigeria's adoption of a socially harsh structural adjustment programme (SAP) at the behest of the World Bank and the International Monetary Fund (IMF) in 1986. Apart from the increased leverage it gave the IMF/World Bank within the Nigerian policy space to adopt 'anti-people' policies such as the government's reduction or withdrawal of social subsidies, retrenchment of workers and introduction of user fees for a whole range of social services, it also led to the deregulation of the economy, including the petroleum sector. Such policies led to the retreat of the Nigerian state from the policy space with severe social consequences on the country and the Niger Delta, in particular, hit hard.

Many indigenes of the Niger Delta who lost their jobs in the Nigerian cities returned to their region and villages only to find that the environment was severely polluted and that hopes of employment either in the oil industry or in the face of shrinking government revenues were bleak. In the context of military rule where formal channels for making demands and seeking redress by groups 'outside of the state' remained blocked, social discontent began seething beneath the surface, coalescing into popular pressures for change by agitating for the respect of ethnic minorities' rights.

One of the earliest groups to articulate its demands for self-determination to the Nigerian state was MOSOP. In October 1990, MOSOP sent the Ogoni Bill of Rights (OBR), endorsed by popular organizations in Ogoniland to the federal government. Its core demand was for political autonomy that 'guaranteed political control of Ogoni affairs by Ogoni people, the rights to the control and use of a fair proportion of Ogoni economic resources for Ogoni development, adequate and direct representation as a right in all Nigerian national institutions, and the right to protect the Ogoni environment and ecology from further degradation'.²³

The following year MOSOP decided to 'bypass' the Nigerian state by internationalizing its campaign against Shell, the largest transnational oil corporation operating in Ogoniland, after the federal government failed to respond to the OBR. Ken Saro-Wiwa, one of MOSOP's leaders,

noted that the decision was influenced by three factors: 'the end of the Cold War, the increasing attention being paid to the global environment, and the insistence of the European community that minority rights be respected, albeit in the successor states to the Soviet Union and in Yugoslavia'.²⁴ After suffering some initial setbacks in its international campaign to promote its rights as ethnic minorities or indigenous people, MOSOP tapped into global discourses on environmental rights, and 'reframed its grievances to highlight problems caused by a Shell subsidiary'.²⁵

By tapping into global rights discourses and engaging with transnational networking, MOSOP gained access to global non-governmental organizations (NGOs), forums, international media and audiences and put pressure on the Nigerian state and Shell both within Nigeria and globally.²⁶ Examples of international civil society organizations that supported MOSOP included Friends of the Earth, Amnesty International, Human Rights Watch, Greenpeace, Sierra Club and the Unrepresented Nations and Peoples Organization (UNPO). With their support, MOSOP organized campaigns, lectures, TV documentaries, rallies and demonstrations to propagate its cause and gain worldwide recognition.

However, by 1995, following an incident in which five Ogoni elite were killed by a mob in Ogoniland, Saro-Wiwa and eight MOSOP members were charged and pronounced guilty of incitement to murder and hanged on the orders of a specially constituted tribunal (by the federal military government), in spite of worldwide appeals for clemency.²⁷ Although Nigeria was suspended from the Commonwealth and some Western countries temporarily recalled their ambassadors to protest at the hangings, none of them imposed sanctions against the Nigerian state as expected by MOSOP's sympathizers and international supporters.

In spite of MOSOP's 'bypassing' of the state, the latter was able forcefully to assert its authority by violently repressing MOSOP. It was also able to hire international public relations firms and ferry its supporters abroad to counter the claims made by the MOSOP campaigners.²⁸ Although the government was able to repress MOSOP, as events later proved, it could not completely silence the forces of local resistance. However, it can equally be argued that the global connections to local resistance though successful in publicizing the demands of the Ogoni and exposing the depredations and human rights violations of the state-transnational oil alliance, were not powerful enough to save the lives of the 'Ogoni nine'.

MEND: waging war on transnational oil?

The Movement for the Emancipation of the Niger Delta violently thrust itself into national and international limelight on 11 January 2006, when it attacked the East Area (EA) oil field off the coast of the Niger Delta, abducting four oil workers that were held for 19 days.²⁹ It had its roots in a loose coalition including the Federated Niger Delta Ijaw Communities (FNDIC), the Niger Delta Peoples Volunteer Force (NDPVF) and other armed groups from Delta, Bayelsa and Rivers states.³⁰ MEND decided to strike again shortly after the February 2006 attack by the Joint Military Task Force (JTF) on Okerenkoko in the Ijaw clan of the western Delta, ostensibly to put an end to the activities of illegal oil bunkerers. In this retaliatory strike, MEND fighters attacked 'Shell's flow stations, pipelines and the Forcados oil tanker platform, leading to a significant reduction in Nigeria's oil production'.³¹ Unlike MOSOP before it, MEND struck at the infrastructure of transnational oil extraction in the Niger Delta. It did not actively seek the support of transnational advocacy networks outside of its global media campaign, but rather tapped into local and diaspora Ijaw support.

MEND's campaign paid a lot of attention on 'bypassing the state' and attracting international attention to the plight of the ethnic minority Ijaw and its resistance campaign through the taking hostage of foreign oil workers, hosting and granting interviews to international journalists

in its camps in the Niger Delta. Part of its strategy for 'bypassing the state' included using the internet to send emails and pictures to the world's leading news agencies and local newspapers, and directly addressing a global audience, while managing to make its leadership 'faceless'.³² MEND was, however, able to get the attention of the Nigerian state, transnational oil corporations and global powers by its threats to 'cripple Nigerian oil exports'.³³

Unlike MOSOP, which tapped into global discourses and transnational networks engaged in environmental rights advocacy, MEND captured the attention of the emerging powers in a post-11 September 2001 world by emphasizing its capacity to disrupt the flow of oil exports—the commodity and object of their energy security calculations. It is hardly surprising that some Western reporters and analysts labelled MEND a 'terrorist' organization.³⁴ This labelling of MEND partly informed the Nigerian state's partnership with global powers, oil transnationals and security corporations in the effort to neutralize 'the threat' posed by the insurgent militia to oil extraction in the Niger Delta. Such a reading of MEND's emergence completely sidelined its origins in 'the lethal cocktail of economic deprivation, military dictatorship and worsening environmental crisis' in the Niger Delta, and its tapping into 'the fifty year Ijaw quest for social and environmental justice in the Niger Delta'.³⁵

While MEND targeted foreign oil workers, the reality that they eventually regained their freedom, unharmed, lent credence to the view that taking foreign oil workers hostage was a tactic partly used to draw international attention to its campaign. This was another strategy of 'globalizing' the struggle in the Niger Delta using rather unusual extra-legal means. In an interview, Jomo Gbomo, MEND's spokesperson, explained the objectives of the group:³⁶

The Movement for the Emancipation of the Niger Delta (MEND) is an amalgam of all arm bearing groups in the Niger Delta fighting for the control of oil revenue by indigenes of the Niger Delta who have had relatively no benefits from the exploitation of our mineral resources by the Nigerian government and oil companies over the last fifty years.

MEND's campaign went some way to making Nigeria's global oil partners put pressure on the state to rein-in MEND as a way of cutting their losses from the group's debilitating attacks on the oil industry. Apart from the militarization of the Niger Delta, with the JTF seeking, with limited success, to curb the activities of an insurgent MEND, the government set up the Technical Committee on the Niger Delta, established the Federal Ministry of the Niger Delta, and on 25 June 2009 it announced an amnesty for all militants that renounced armed struggle.

In the post-amnesty phase most MEND commanders have been co-opted by the state, which is also undertaking an elaborate (internationally supported) DDR programme including overseas skills acquisition training for demobilized MEND foot soldiers. As in the case of MOSOP before it, the state-transnational oil partnership has been able to neutralize the radical leadership of MEND and hence curtail its activities. However, the task of demobilizing local resistance in the face of such very high stakes in the oil-rich but impoverished Niger Delta can only be achieved with nothing less than the radical transformation of the transnational oil alliance that defines the region's position in the global energy market.

Conclusion

Although the Niger Delta is within the territory of the Nigerian state, it is clear that it is a globalized space by virtue of 'hosting' the transnational production of oil and the power and social relations corresponding to this. The domination of oil production in this locale by internationally integrated oil companies also defines it as an outpost of global capital, providing

commoditized hydrocarbons (oil and gas) largely for the global market. The forces at the locus of oil extraction and production representing various levels—local, national and global, which intersect and impact on each other—present a complex global configuration that deserves further analysis. In this regard, these forces, both within and outside the region, state and non-state, define the Niger Delta both as an actor in and an arena of international relations.

In the light of the foregoing, the ability of non-state actors in the Niger Delta to interact with the global system both includes and excludes the Nigerian state, in a complex relationship in which the state colludes with transnational state and non-state actors linked to the global political economy of oil, and is resisted by local forces supported by transnational networks and media. Developments in the region therefore generate reverberations that are felt across the world, and draw in some of the world's most powerful corporations and states into engagement with local non-state actors. In this way, the Niger Delta is emblematic of an emerging pattern of developments in Africa, forming an integral part of the global transformations that underpin post-Cold War IR.

Notes

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Part II

Institutional developments

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The African Peace and Security Architecture

Solomon Dersso

Introduction

In terms of the management of international peace and security, one of the most notable developments of the post-Cold War era was the expanded role of regional organizations, particularly in Africa, in conflict prevention and management. Initially, it was in response to emergency situations and on an ad hoc basis that African regional organizations became active in the maintenance of peace and security on the continent. The first peace-keeping mission of the Organization of African Unity (OAU), deployed to Chad in the early 1980s, is a manifestation of this. Similarly, the Economic Community of West African States (ECOWAS) intervened in Liberia in August 1990 to stop rebel attacks on the civilian population. The 1997 ECOWAS intervention in neighbouring Sierra Leone was an extension of this trend. With the establishment of the African Peace and Security Architecture (APSA), African regional organizations have come to assume an established and systematic role in the maintenance of international peace and security on the continent. This chapter offers both an overview of the APSA and an analysis of its various components.

The birth of the APSA

The establishment of the APSA is a product of both internal and external factors. The internal factors mainly relate to the changes in the nature of conflicts on the continent. With the end of the Cold War, which marked the dawn of a new world order famously characterized by Francis Fukuyama as the end of history and the triumph of liberalism,¹ widespread insecurity involving new forms of conflicts gripped most parts of Africa. Unlike the Cold War period, in which states were the most dominant of actors and interstate conflicts were the most common sources of insecurity, in the post-Cold War period intra-state conflicts became the major forms of conflict. These are conflicts that pit one section of the population of a state against another or against the state itself. They brought about multiple crises involving violent civil wars, collapses of state institutions and horrific mass atrocities.

The OAU, with its scrupulous adherence to state-centric principles of sovereignty and non-intervention, was ill-placed and ill-equipped to respond meaningfully to the crises that ensued from these new types of conflicts. The nature and consequence of the conflicts that Africa experienced through the collapse of Somalia, the brutal wars fought in Liberia and Sierra Leone and the 1994 Rwandan genocide brought into sharp relief the serious limits of the traditional

approach of the OAU to matters of peace and security in Africa. In the context of these developments, the need and urgency to transform the OAU became imperative.

The emergence of factors external to Africa further reinforced the need and urgency of transformation. The resurgence of intra-state conflicts was not unique to Africa; as events in former Yugoslavia and the Balkans showed, it was rather a global phenomenon. As the United Nations (UN) was called on to act in all these cases, its capacity was stretched.² This played a part in limiting the role of the UN to respond meaningfully to the conflicts in Africa. The tragic experiences of UN missions in Somalia and most notably Rwanda further accentuated the disengagement of the international community in Africa. As former UN Secretary-General Kofi Annan put it, 'Africa was (as a result) left to fend for itself'.³

The internal and external factors referred to above eventually precipitated the transformation of the OAU into the African Union (AU) at the turn of the century. This transformation ushered in both substantive normative and institutional changes. At the normative plane, while the inadequacies of the OAU to respond effectively to the crises facing the continent led to the shift from the principle of non-intervention to the principle of non-indifference, 'the failure of the international community, including the United Nations, to intervene to prevent genocide in Rwanda'⁴ alluded to above led the AU to be premised on the idea of 'African solutions to African problems'. At the institutional level, the transformation most notably saw the emergence of the admittedly ambitious structures constituting the institutional dimension of the APSA.

Analysing APSA: normative and institutional dimensions

The APSA has two components to it. Its first component consists of the normative and policy frameworks of the APSA. The second component is the institutional dimension. An examination of the instruments that underpin the APSA reveals that the normative and policy frameworks of the APSA consist of three pillars. The first is human-centred socio-economic development based on social justice. The other pillar is human rights, democracy, good governance and related values. The third and final pillar is peace and security in its narrow sense.

The origin of these three pillars of the normative and policy framework of the APSA can be traced back to the 1990 OAU Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World.⁵ This declaration marked the onset of a new period in the way the OAU deals with human rights, democracy and peace, and security and development within Africa, a domain that it hitherto considered to be within the exclusive domestic jurisdiction of member states. Taking note of the changes taking place in the world and appreciating the difficult socio-economic and political condition of Africa, the declaration articulated three areas of commitments to overcome these challenges. First, African states reaffirmed that 'Africa's development is the responsibility of our governments and peoples'.⁶ Accordingly, they committed themselves to speed up the structural transformation of African economies by developing a self-reliant, human-centred and sustainable development on the basis of social justice and to work assiduously towards economic integration through regional co-operation. This is to be pursued within the context of 'sound population and environmental policies conducive to economic growth and development'.⁷

The achievement of these economic aims necessarily requires stable legal and political conditions as well as citizens that are free and able to exercise their rights to fulfil their needs and realize their potential. The other two areas of commitment are directed at creating such framework and conditions within all African states. Second, therefore, O/AU member states expressed the need 'to promote popular participation of people in the process of government

and development', in the context of 'a political environment which guarantees human rights and the observance of rule of law' and an all inclusive and participatory political order.⁸ To this end, they declared their recommitment 'to the further democratisation of our societies and to the consolidation of democratic institutions in our countries', and to establish democratic systems, which can also support and encourage development.

Last but not least, the declaration underlined that peace and security is a *sine qua non* for the achievement of development and democratization. In the words of the authors of the 1990 Declaration, 'the possibilities of achieving the objectives we have set will be constrained as long as an atmosphere of lasting peace and stability does not prevail in Africa', and '[i]t is only through the creation of stable conditions that Africa can fully harness its human and material resources and direct them to development'.⁹ As a result, they stated:

We therefore renew our determination to work together towards the peaceful and speedy resolution of all the conflicts on our continent. The resolution of conflicts will be conducive to the creation of peace and stability on the continent and will also have the effect of reducing expenditures on defence and security, thus releasing additional resources for socio-economic development. We are equally determined to make renewed efforts to eradicate the root causes of the refugee problem.¹⁰

With the transformation of the OAU to the AU, these three pillars of the normative and policy frameworks of the AU peace and security regime are elaborated in terms of values and principles that underpin the APSA in a number of the organization's legal and policy instruments. The Constitutive Act (herein after the AU Act) is the foundation of these instruments.¹¹ The other instruments¹² primarily include the *Protocol on the Establishment of the Peace and Security Council of the African Union* (PSC Protocol)¹³ and the Common African Defence and Security Policy (herein after the CADSP).¹⁴ The values and principles that give expression to the three pillars in these instruments are briefly considered in the following.

The Act enunciates under article 4 the founding principles underlying the AU's legal and institutional framework. Of the 18 principles listed, eight 'form the central planks of the AU security regime':¹⁵ the sovereign equality of states;¹⁶ non-intervention and peaceful co-existence;¹⁷ peaceful resolution of conflicts and non-use of force;¹⁸ *uti possidetis*;¹⁹ respect for human rights, sanctity of human life and democratic principles, and good governance;²⁰ rejection of impunity and unconstitutional changes of governments;²¹ and the right of the AU to intervene in a member state in case of grave circumstances.²²

While some of these principles reflect continuity from the OAU, the new ones introduce a paradigmatic change. Respect for democratic principles, human rights, rule of law and good governance is the first of these new principles. Highlighting the importance of this principle, the Constitutive Act in its preamble affirms the determination of member states 'to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and ensure good governance and the rule of law'.²³ The two objectives relevant in this context, as set out in the Act, are to 'promote democratic principles and institutions, popular participation and good governance', and to 'promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments'.²⁴ Another but related principle is respect for the sanctity of human life and the rejection of impunity.

Similarly, the Protocol Establishing the Peace and Security Council envisages that one of the objectives of the PSC is to 'promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect the sanctity of human

life and humanitarian law'.²⁵ Among the principles that underpin the PSC Protocol are respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law.²⁶ The CADSP also identifies human security as an important basis and measure of the continental collective security system. Accordingly, it draws attention to the need to focus on human rights, good governance, democracy, and equitable social and economic development. The policy also identifies as common security threats not only interstate conflicts or tensions and external threats, but also intra-state conflicts or tensions.

These commitments to human rights and democracy expressed in the principles and objectives of these various instruments represent a response to the serious violations of human rights and the disregard for democratic principles that characterize many of the violent conflicts and security problems on the continent.

Turning to the issue of peace and security, as enunciated in the preamble to the Constitutive Act, one of the factors underlying the establishment of the AU was recognition of 'the fact 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 prerequisite for the implementation of our development and integration agenda'.²⁷ In line with this, the AU Act provides that one of the objectives of the AU is to 'promote peace, security, and stability on the continent'.

Of the new principles enshrined in the AU Act, the ground-breaking one is the right of the AU to intervene, which marks a sweeping break from the OAU. It most eloquently illustrates the fundamental change in the field of peace and security. This principle provides for the right 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'. Expressed in those terms, the principle not only creates the legal basis for intervention, but also imposes an obligation on the AU to intervene to prevent or stop the perpetration of heinous crimes anywhere on the continent.²⁸

This provision, together with the emphasis on ending conflicts and promoting peace and security, reverses the primacy that the OAU accorded to the state and its state-centric principles over the rights and interests of citizens. As such, sovereignty and non-interference will no longer shield states from external scrutiny and even military intervention, not only in situations where they endanger the lives of people on an unacceptable scale, but also where they are unable to protect their citizens from such grave threats.²⁹ Nor can member states justify inaction on the part of the AU in the face of such threats.³⁰

Institutional dimension of the APSA

Another and most commonly discussed component of the APSA is the institutional component. These are established under the PSC Protocol. Article 2 of the PSC Protocol defines the components of the APSA that support the works of the PSC. These are a Continental Early Warning System (CEWS), the Panel of the Wise, the AU Commission, the African Standby Force and a Special Fund.

The PSC

The APSA is anchored on the PSC. According to the PSC Protocol, the PSC is a standing decision-making authority and serves as 'a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'.³¹ The powers of the PSC are defined under article 7 of the PSC Protocol and cover a wide range of issues from conflict prevention to military intervention.

Like the UN Security Council, the PSC is composed of 15 members of which 10 are elected for two-year terms and the remaining five for three-year terms. In accordance with the AU principle of regional representation, it is the five regions of Africa that elect the 15 members of the PSC. The PSC decisions are generally guided by the principle of consensus. However, unlike the OAU Mechanism, in case of failure to reach a consensus, decision on procedural matters is by a simple majority and substantive matters by a two-thirds majority of members eligible to vote.³² In a situation where the PSC considers a crisis in one of its member states, the affected country does not participate in the PSC's deliberations on the matter. The provisional agenda of the Peace and Security Council is determined by the chairperson of the Council on the basis of proposals submitted by the chairperson of the Commission and member states. The inclusion of any item in the provisional agenda may not be opposed by a member state.³³ The practice, however, shows that the Commission has assumed a de facto role of deciding the agenda of the PSC with member states playing little or no role.

Consistent with the power conferred on it, the PSC has during the course of the past five years established itself to be an entity, willing and able to exercise its authority to address the plethora of peace and security issues on the continent. The fact that the AU has been at the forefront of many mediation efforts and undertook several important peace support operations is in many ways attributable to the good use to which the PSC has put its rather extensive authority.

Another manifestation of the increasing effectiveness of the PSC is the number of meetings it held and decisions it has so far taken. Since its launch in 2004, the PSC has so far held more than 300 meetings at various levels. The regularity of its meetings has increased more than threefold from 2004 to 2012.³⁴ As the decisions taken by the PSC show, the PSC has addressed a variety of issues ranging from violent armed conflicts in Sudan and Somalia, to unconstitutional changes of government in various African countries, to electoral violence. Its decisions led to the deployment of peace-keeping operations in Sudan and Somalia and facilitated the return of constitutional order in countries affected by coups or other forms of unconstitutional changes of government, including Guinea, Niger, Togo and Mauritania. Although they are few, the PSC also addressed thematic issues such as terrorism, unconstitutional changes of government, small arms and light weapons, and children and women in armed conflict.

It must, however, be admitted that much of the action of the PSC has been reactionary. The PSC has mainly focused on conflict management and resolution almost to the exclusion of conflict prevention, post-conflict reconstruction and peace-building. This has been so due to the frequent outbreaks of disruptive crises and violent conflicts, which fully consumed the agenda of the PSC from the time of its launch. Compelled by these circumstances, the PSC response has come to be characterized by what may be considered a fire-fighting approach. As a result, the PSC has not as yet been engaged in any systematic process to tackle the root causes of conflicts in Africa.

Continental Early Warning System

The CEWS is established pursuant to article 12 of the PSC Protocol as one of the components of the APSA, '[i]n order to facilitate the anticipation and prevention of conflicts'.³⁵ According to the Protocol, the CEWS shall consist of 'an observation and monitoring centre, to be known as the Situation Room, located at the Conflict Management Directorate of the Union, and responsible for data collection and analysis'.³⁶

The CEWS is tasked with the responsibility of collecting, analysing and predicting emerging threats to peace and security in Africa. Accordingly, the purpose of the CEWS is the provision of timely advice (early warning) by availing information and analysis to the chairperson of

the AU Commission on potential conflicts and threats to peace and security. This enables the chairperson to draw the attention of the PSC to the issue and ultimately to develop appropriate and timely responses to prevent or resolve conflicts or crisis situations in Africa.

The Protocol provides that the CEWS undertakes its functions in collecting, analysing and transmitting data on potential conflicts or crisis situations based on the development by the system of 'an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators'.³⁷ Structurally, the CEWS is linked, through appropriate communication channels, to the observation and monitoring units of the regional mechanisms, which feed the data they have collected and processed to the Situation Room.³⁸

Although significant progress has been made towards the operationalization of the CEWS, it also faces major challenges as well. The Situation Room operates on a 24/7 basis, with 10 staff working on day and night shifts. During 2012, the CEWS also recruited early warning experts and analysts who process and analyse the data collected through the technology put in place to do this. While the field offices present in the AU Liaison offices in a dozen countries serve as primary sources of data, CEWS relies heavily on open sources. CEWS delivers a variety of early warning and alert products for different actors. The daily news highlights based on open media sources are circulated both for internal and external subscribers. Major new developments are communicated to AU Commission senior officials through text messages in the form of flash and incident reports. Finally, CEWS also provides in-depth early warning reports consisting of analysis, scenarios and options.

Some issues facing CEWS include institutionalizing a standardized early warning system at the regional economic community (REC) level and establishing the necessary system for linking this to the CEWS at the AU HQ as well as the legal and political framework for institutionalized relations with RECs. The early warning systems of the different regions are at different levels of development and some use information based on intelligence. Apart from such technical and institutional challenges, in the African context another difficulty is the independence of the system from political influence.

The Panel of the Wise

Another important organ of the APSA is the Panel of the Wise.³⁹ The Panel was established pursuant to article 11 of the PSC Protocol as a key body to support the efforts of the PSC and the chairperson of the AU Commission in the areas of conflict prevention.⁴⁰

The Panel is composed of five prominent personalities of Africa who have made an outstanding contribution to peace, security and development on the African continent.⁴¹ According to the Modalities for the Functioning of the Panel, the members may not also hold an active political office while serving on the panel. Panel members are selected by the chairperson of the AU Commission after consultation with member states, on the basis of regional representation to serve for a renewable period of three years.⁴² The AU Assembly appointed the five personalities from the five regions of Africa upon the recommendation of the AU chairperson only in January 2007.⁴³ With the expiry of the term of office of the first members of the Panel, the AU Assembly appointed the second members of the Panel during its 15th Ordinary Session, held in Kampala, Uganda in July 2010. Out of the first members of the Panel, the Assembly reappointed Ahmed Ben Bella and Dr Salim Ahmed Salim for a further and final mandate of three years from December 2010. The Assembly also appointed as new members to the panel former Zambian President Dr Kenneth Kaunda, Marie Madeleine Kalala-Ngoy and Mary Chinery Hesse, for a mandate of three years from December 2010.

The PSC Protocol assigned the chairperson of the AU Commission the responsibility of drafting the modalities for the functioning of the Panel, and the PSC the power to approve the draft. Following the appointment of the members of the Panel, the PSC adopted at its 100th meeting, held on 12 November 2007, the modalities for the functioning of the Panel based on a draft submitted by the chairperson of the AU Commission. The Panel was inaugurated on 18 December 2007 and held its first meeting on 20 February 2008.

The Panel is vested with both peace-making and advisory functions. Specifically, the Panel has the mandate to 'advise the Peace and Security Council and the Chairperson of the AU Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa'.⁴⁴ In addition, 'at its own initiative, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflict'.⁴⁵

The African Union Commission

The African Union Commission is the administrative branch of the continental body, it represents the Union in international forums, co-ordinates the policies of member states on identified subjects and implements the decisions of the AU Assembly, the highest decision-making body of the AU.

The Commission implements AU policies, prepares its strategic plans and co-ordinates the body's activities and meetings. In the area of peace and security the AU Commission, particularly the chairperson, also has a more substantive role. Article 10, paragraph 1 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union states that 'the Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts'. The chairperson of the AU Commission is therefore responsible for ensuring the implementation and follow-up of the decisions of the PSC, including mounting and deploying peace support missions authorized by the Council. The chairperson of the Commission, working through the Commission for Peace and Security, is obliged to keep the PSC informed of developments relating to these peace support missions. In particular, the chairperson can issue periodic and comprehensive reports as well as other relevant documents in order to enable the PSC and its subsidiary bodies to perform their functions effectively.

According to the PSC Protocol the chairperson of the Commission also has the prerogative to bring to the attention of the Council issues that might threaten peace, security and stability in the continent. The chairperson of the Commission, however, can and does play an active role, particularly in conflict prevention, mediation and peace-making, through the use of his or her good offices in collaboration with the Council. The AU Commission, particularly the chairperson, has, for example, been active in the mediation efforts in Madagascar, Mauritania and Guinea, among others.

The involvement of the AU Commission in peace and security matters thus far shows that the Commission is much more active in some ways than other more important peace and security actors. The practice also shows that since it controls both the purse and the administrative machinery necessary for the functioning of other actors including most notably the PSC, the Commission has become dominant. Some have argued that the Commission has become so dominant that it has come to usurp the powers assigned to other actors.⁴⁶

The African Standby Force

Within the framework of APSA, the ASF comes into play in cases where violent conflicts are about to erupt, or have already erupted after peace-making efforts have failed, or when intervention is required in cases of grave circumstances, as determined in article 13 of the PSC Protocol:

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

The ASF is designed to enable the PSC: to prevent and manage conflicts by containing their spread or escalation; to support its peace processes; to enforce its decisions in cases of grave circumstances; to support peace-building activities; and to undertake humanitarian action and disaster management. Its mandate thus addresses almost the full range of Africa's conflict dynamics and security challenges, covering the complete spectrum of the conflict continuum, from prevention to peace-building and reconstruction.

There are certain requirements that need to be fulfilled for the successful operationalization of the ASF.⁴⁷ Given that ASF brigades are constituted of multidimensional contingents based in their countries of origin, this multinational character gives rise to cultural, material, know-how and doctrinal diversity, which affects interoperability. This necessitates that continuous and standardized training is institutionalized at different levels.

The deployment and maintenance of effective peace support operations also depends on the availability of the necessary infrastructure, both for the deployment of brigades and the effective and successful execution of their mandates. If the ASF is to be an effective mechanism for responding to conflicts and other crises, it is imperative for it to have at its disposal all the necessary equipment, air- and sea-lift capabilities, ground transportation, information systems, etc.⁴⁸ Inadequate infrastructure will not only prevent a mission from implementing its mandate effectively, but will also undermine its ability to respond to crises.

The maintenance of an effective strategic-level management system at AU HQ and at the RECs/RMs (regional mechanisms) level is also critical. As the expected role of the Peace Support Operations Division (PSOD) expands and its staff size increases correspondingly, there is a need to provide for suitable office accommodation, an operations room and IT communications equipment.

Although it was initially envisaged that the ASF would be operational in 2010, the date for the full operationalization of the ASF was pushed to 2015 following the assessment made in October 2010 through Exercise AMANI Africa. Major gaps in the operationalization of the ASF included the full institutionalization of strategic management capability at PSOD, inadequate development of the police and civilian components of the ASF, lack of clarity over issues of command and control and mandating between member states, RECs and the AU, as well as between the AU and the UN and uneven progress of the forces of the five regions. During the past two years, some progress has been made particularly in terms of the development of the civilian and police components of the ASF. To assess the progress made in this regard, in October 2012 the AU conducted a special Police-Civilian Focused Exercise (POLCIVEX). Efforts have also been made to deploy ASF components to existing and planned peace operations. For example, the East African Standby Force deployed 14 military advisers to AMISOM (the AU Mission in Somalia). The international force that is proposed to be deployed to Mali would also be composed of the ECOWAS Standby Force. Similarly, in early December 2012,

the Southern African Development Community (SADC) countries decided that the SADC Standby Force would be deployed as part of the international neutral force that was proposed to be deployed to the eastern Democratic Republic of the Congo (DRC).

Conclusion

The APSA is a manifestation of the AU's political principle of African solutions to African problems—essentially an issue of self-determination. It offers Africa an opportunity not only to take the lead in the analysis, understanding and definition of the problems facing the continent and in the formulation and implementation of solutions that are properly tailored to respond to the specific conditions and needs of the society concerned. This is also a principle that gives to Africa both ownership of and a large stake in the process for resolving the problems facing its people.

Apart from the usual issues of capacity and, importantly, funding, one major problem of the APSA is that both in its formulation and use it has remained largely an elitist project. It thus depends for its application on the perceptions, sense of common purpose, dynamism and commitment of the political leadership of the continent. As a result, where divisions within the political leadership are high, where the leadership is wanting in its dynamism and pan-African drive and is slow in formulating appropriate responses, it would have a questionable effectiveness. Seen from this perspective, it is clear that the effectiveness of the APSA will depend on the willingness of states to authorize the AU to have some autonomy in putting the APSA norms and institutions to their intended use.

Notes

- 1 Francis Fukuyama, *The End of History and the Last Man*, New York: The Free Press, 1992.
- 2 Partly it was in response to this that in his *Agenda for Peace*, Boutros Boutros-Ghali recommended a greater role for regional organizations in the maintenance of international peace and security. Boutros Boutros-Ghali, *An Agenda for Peace*, 2nd edn, New York: United Nations Publications, 1995.
- 3 Kofi Annan, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, Report of the Secretary General to the Security Council (April 1998).
- 4 *Ibid.*, para. 11.
- 5 See Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, adopted at the 26th Ordinary Session of the Assembly of Heads of State and Government held in Addis Ababa, Ethiopia, on 11 July 1990. OAU Doc. AHG/Decl.1 (XXVI) 1990. [Declaration on Fundamental Changes.]
- 6 *Ibid.*, para. 8.
- 7 *Ibid.*, para. 9.
- 8 *Ibid.*, para. 10.
- 9 *Ibid.*, para. 11.
- 10 *Ibid.*
- 11 For literature on the Act see Kristiana Powell and Thomas Kwasi Tiekou, 'The African Union's New Security Agenda: Is Africa Closer to a Pax-Africana?' *International Journal* 60:4 (2004–05): 947; and Konstantinos D. Magliveras and Gino J. Naldi, 'The African Union: A New Dawn for Africa?' *International and Comparative Law Quarterly* 51:2 (2002): 415.
- 12 The listing of the instruments is not exhaustive. Those instruments referred to in the preamble to the PSC Protocol and the 2005 AU Non-Aggression and Common Defence Pact also form part of the peace and security regime.
- 13 African Union, *The AU Protocol Relating to the Establishment of the Peace and Security Council*, 2002.
- 14 African Union, *The AU Solemn Declaration on the African Common Defence and Security Policy*, 2004.

- 15 This expression is borrowed from Kwesi Anning, *The African Peace and Security Architecture*, www.paul-gabriel.de/wordpress/wp-content/uploads/2010/04/Essay-APSA.pdf (accessed 20 December 2012).
- 16 Constitutive Act, article 4(a).
- 17 Ibid., article 4(g) and (i).
- 18 Ibid., article 4(e) and (f).
- 19 Ibid., article 4(b). The principle of *uti possidetis* provides for the sanctity of colonial borders. For further discussion on this see, Solomon A. Desso, 'International Law and the Self-determination of South Sudan', ISS Paper No. 231 (February 2012).
- 20 Ibid., article 4(m) and (o).
- 21 Ibid., article 4(0) and (p).
- 22 Ibid., article 4(h).
- 23 Ibid., preamble, para. 10.
- 24 Ibid., articles 3(g) and (h), respectively.
- 25 Ibid., article 3(f).
- 26 Ibid., article 4(c).
- 27 See Constitutive Act of the African Union (adopted 11 July 2000, entered into force 26 May 2001).
- 28 This principle represents more than an agenda for interventionism. Seen from the perspective of the emerging norm of the responsibility to protect, as espoused by the AU under the Ezulwini Consensus of 2005, article 4(h), para. 10, it also expresses the aspect of the sovereignty of states, which involves the underlying principle that the first and primary responsibility of protection lies with the state. (I would like to thank the external reviewer who directed me to note this primary dimension of the principle under article 4(h).)
- 29 As Cilliers and Sturman put it, '[t]he absence or disappearance of a functioning government can lead to the same kind of human catastrophe as the presence of a repressive state. In Africa, intervention will be needed in as many cases where a weak state is unable to protect its citizens, as when a repressive state is unwilling to do so or itself the cause of the abuse'. J. Cilliers and K. Sturman, 'The Right Intervention: Enforcement Challenges for the African Union', *African Security Review* 11:3 (2002), www.iss.co.za/PUBS/ASR/11No3/Cilliers.html (accessed 20 July 2010).
- 30 In this, the Constitutive Act became a pioneer in leading what has come to be characterized as a 'systemic shift in international law, namely a growing tendency to recognise that the principle of state sovereignty finds its limits in the protection of "human security"'. Carsten Stahn, 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?' *American Journal of International Law* 101 (2007): 99, 100–1.
- 31 Article 2, AU PSC Protocol (supra note 44).
- 32 Article 8 (13) PSC Protocol; Rule 28 of the Rules of Procedure of the Peace and Security Council on the African Union.
- 33 Article 8 (7) PSC Protocol.
- 34 In 2004, the PSC held only 21 meetings, whereas it held 67 meetings in 2009.
- 35 For further information, see Jakkie Cilliers, 'Towards a Continental Early Warning System for Africa', ISS Paper 102 (April 2005).
- 36 Article 12 (2) PSC Protocol.
- 37 Article 12 (4) PSC Protocol.
- 38 Article 12 (2) (B) PSC Protocol.
- 39 On the Panel of the Wise see Jamila El Abdellaoui, 'The Panel of the Wise', ISS Paper No. 193 (August 2009).
- 40 Article 11 (1) PSC Protocol.
- 41 Article 11 (2) PSC Protocol.
- 42 Article 11 (2) PSC Protocol.
- 43 The five members of the Panel are Ahmed Ben Bella (former President of Algeria) representing North Africa, Salim Ahmed Salim (former Secretary-General of the OAU) representing East Africa, Brigalia Bam (Chairperson of the Independent Electoral Commission of South Africa) representing Southern Africa, Elizabeth Pagnon (former President of the Constitutional Court of Benin) representing West Africa, and Muguel Trovoda (former Prime Minister and President of São Tomé & Príncipe) representing the Central Africa region).
- 44 Article 11 (3) PSC Protocol.
- 45 Article PSC 11(4).

- 46 See Samuel M. Makinda and F. Wafula Okumu, *The African Union*, London: Routledge, 2008; Kwesi Aning, 'Understanding Institutional Dynamics and Decision Making Processes of the African Union's Peace and Security Council', paper presented at the ISS Expert Roundtable on the AU Peace and Security Council: A Five Year Appraisal (2004–09), March 2010 (on file with author).
- 47 See Solomon A. Dersso, 'The Role and Place of the African Standby Force within the African Peace and Security Architecture', ISS Paper 209 (January 2010).
- 48 See, for example, J. Peter Pham, 'Too Few Good Men – and Even Fewer Supplies: The Challenge of Peacekeeping in Africa', worlddefensereview.com/pham12067.shtml (accessed 3 December 2009).

The AU New Partnership for Africa's Development (NEPAD)

The next 10 years

Tony Karbo

Introduction

At the turn of the 20th century and the beginning of the 21st, Africa launched what some have referred to as the most ambitious governance project in its history. Dubbed the New Partnership for Africa's Development (NEPAD), its goal was to create opportunities for a people-centred development paradigm. This required African governments to be more accountable to their people as well as offer more choices to citizens so that they could reach their full potential. In the last 10 years, the results of this bold experiment have been mixed. Whilst the global economic downturn that started in late 2008 did not offer any help in the realization of NEPAD's goals, the economies of some African societies continued to grow whilst others were backsliding.

At another level, however, some countries still offer no sense of or limited security to its people: Côte d'Ivoire, Central Africa Republic, the Democratic Republic of the Congo, Libya, Egypt, Tunisia and others continue to face immense uncertainty in the wake of mass social unrest. The number of countries facing historical inequalities and mounting public debt continues to grow. The alarming rate of natural resources depletion, social disintegration and natural disasters has not abated. The threats posed by these and other phenomena (economic and political) are on the rise. Recently, the ongoing drought in the Horn of Africa led to mass displacement of people across the region. The resultant humanitarian catastrophe is unequalled in history. All of these conditions speak for the need for a renewed commitment by the African Union (AU) and other sub-regional organizations to the principles of NEPAD.

NEPAD as a major governance policy framework has received all the support (albeit less than enthusiastic in some countries) from member states of the AU as well as the international and donor partners. All stakeholders in the NEPAD policy framework are yet to see it as a project that cuts across national boundaries—a project that should travel from local communities to national and regional entities. Indeed, NEPAD is a global framework for development. Developing good governance and managing its structures will assist countries to promote human security and development in Africa. Promoting human security will assist African countries in poverty reduction, reduce political and economic insecurities, and create more equal opportunities for all.

The origins of NEPAD

NEPAD is a vision and a development philosophy hatched by African political leaders for the holistic development of Africa.¹ As a long-term integrated and comprehensive programme, its intent is to improve the overall political, economic and social landscape of the continent. The New Partnership for Africa's Development (NEPAD) was conceived as a Strategic Policy Framework for Human Development in Africa. Crafted by the AU, NEPAD's vision is 'to eradicate poverty and position African countries, individually and collectively, on a path of sustainable growth and development. Likewise, the framework provides opportunities for African countries to participate actively in the world economy and body politic' (from www.nepad.org/about). To realize this vision, African countries are expected to improve governance (of private and public entities), outline sustainable development plans and offer credible solutions to capacity needs.

The main objectives of NEPAD are sought through seven main principles, including:

- good governance;
- African ownership and leadership of development;
- anchoring development in the resources and resourcefulness of Africans;
- partnership among African peoples;
- accelerated integration of the continent;
- international partnerships to change the unequal relationship between developed and developing countries; and
- linking all NEPAD partnerships to the Millennium Development Goals (MDGs).

According to Chris Landsberg,² NEPAD came into being as recognition of the link between development, governance, democratization, peace and security in Africa. It seeks to put the challenge of poverty alleviation and addressing underdevelopment at the core of the 'new pan-Africanism' in Africa. The overriding idea behind its conceptualization is that development cannot be achieved without peace and security, good governance, stability, economic growth and international co-operation.

NEPAD has been viewed by many as an African home-grown programme. This claim is, however, premised largely on the fact that it was an amalgam of three separate development programmes initiated between 2000 and 2001. The first was the Millennium Partnership for African Recovery (MAP), developed by former President Thabo Mbeki of South Africa, whose main objective was to address Africa's debt problems. From its beginning, MAP enjoyed the support of President Abdulaziz Bouteflika of Algeria and Olusegun Obasanjo, former president of Nigeria. The second development initiative was the Omega Plan, developed by the former Senegalese President Abdoulaye Wade. The Omega Plan (OP) enjoyed the broad support of French African countries. The OP was concerned with building regional infrastructure and education projects. The third development plan was the Global Compact for Africa Recovery (GCAR), initiated by the Economic Commission for Africa (ECA), through a mandate by African ministers of finance in 2000. The GCAR incorporated the idea of peer review. The merger of these three programmes in July 2001 at the AU Summit in Lusaka culminated in the New African Initiative (NAI). Three months later, in October 2001, NAI was renamed NEPAD. At the Lusaka summit, a 15-member Heads of State and Government Implementation Committee (HSGIC),³ representing all the regions of Africa and chaired by Nigeria, was appointed and had its first meeting in Abuja, Nigeria, in October 2001.⁴

It must be noted, however, that NEPAD is not the first development plan adopted by African leaders. Professor Adebayo Adedeji, who is regarded in many circles as the father of regional

integration in Africa, has been instrumental in guiding and developing the scientific direction of regional integration in Africa. With collaborative support between the Organization of African Unity (OAU) and United Nations Economic Commission for Africa (UNECA) the first regional integration body in Africa, Economic Community of West African States (ECOWAS), was born in 1975. By 1980, the first continental economic development framework that was crafted and owned by Africans, the Lagos Plan of Action, was proposed, and 11 years later the Abuja Treaty on African economic integration was introduced.⁵ The success of ECOWAS prompted other regions on the continent to begin their own processes of integration, with the establishment of the Southern African Coordinating Conference (SADCC) in 1980 and the Preferential Free Trade Area, now COMESA, born in 1981. By 1991 the most progressive development agenda at the time (the Conference on Security, Stability, Development and Cooperation in Africa—CSSDCA) produced by Africa was developed.⁶

Other continental programmes established and implemented include Africa's Priority Program for Economic Recovery (APPER) (1986–90), the African Alternative Framework to Structural Adjustment Program for Socio-Economic Recovery and Transformation (AAF-SAP) (1989), the Three Year Priority Program for Survival, Rehabilitation of African Economies (1986–89), the African Charter for Popular Participation for Development (1990), and the Compact for African Recovery (2000).⁷

CSSDCA was like other programmes before it and others subsequent to it premised on the assumption that there exists an intricate link between stability, human security, development and co-operation, and that each is dependent upon and reinforces the other. It asserts that sustainable democratic structures and good governance are requisite preconditions for development and stability as such needs the establishment of democratic structure for its enhancements. It can be argued that all of these programmes were isolated and focused exclusively on economic development. NEPAD (established in 2001) and the AU Peace and Security Council (established in 2004) were the first continental development programmes that took a holistic view of developmental priorities, with both programmes incorporating various developmental prerequisites such as security, governance and development as intricately linked with one another. Perhaps this is the most significant departure from previous development programmes developed at the regional level in Africa.

NEPAD's achievements over 10 years

Central to NEPAD is the notion of new partnerships, in particular new partnerships between Africa and the rest of the world, and between African states and their people. The new partnership with the international community is conceived as one based on mutually beneficial exchange rather than on soliciting further handouts from the rich states of the world to the poor. The NEPAD framework document makes it clear that what is envisaged is a paradigm shift away from the patterns of post-independence dependency: 'Africans are appealing neither for the further entrenchment of dependency through aid, nor for marginal concessions.'⁸

The NEPAD core documents are shaped by the recognition that there can be no development for the continent in isolation from the increasingly univocal rules of global politics and economics in the post-Cold War era, and that the required support from the developed world will only be forthcoming if governance improves. NEPAD differs from previous African development initiatives, and this difference has contributed to its positive reception in the West, due to its adoption of the following pre-conditions for sustainable development:

- a shift to markets and public-private partnerships as the drivers of economic growth and development;

- competitive integration into the globalized economy, which would include export-oriented domestic production, diminishing tariff and non-tariff barriers to imports, and the soliciting of foreign direct investment (FDI); and
- the practice of good governance as a pre-condition to securing development aid and therefore positive developmental outcomes.

NEPAD is designed to be a locally owned and people-centred development paradigm. As a prerequisite for international support in the development project of NEPAD domestic resources need to be mobilized and a marked increase in domestic entrepreneurial activity achieved. NEPAD represents itself as an appeal to the African people 'to regain confidence in their genius and their capacity to face obstacles and be involved in the building of the new Africa'.⁹

The search for a new paradigm for development in the 1980s was focused predominantly on the economy. Partly because of the geopolitics of the 1960s, 1970s and 1980s, it was taboo to dwell on the non-economic factors essential for structural transformation without which rapid economic and social development itself was virtually impossible. Democracy and governance were among these taboo issues.¹⁰

Also different, but perhaps more significant, is the promotion of an African rebirth through the establishment of legitimate democracies whereby systems of governance will become the driving force for development. NEPAD was viewed as the conduit to the proclaimed African renaissance based on its philosophy of addressing the pervasive social, economic and political challenges. By establishing credible and functional institutions, African states hope to eradicate corruption and conduct transparent and credible elections that are inclusive and participatory.

NEPAD as a development blueprint lays emphasis on the repositioning of the continent with a view to eradicating poverty as a necessary, albeit insufficient, condition for sustainable development. Ratified in 2002 by African heads of government, NEPAD has been dubbed by many of its advocates as a decisive document that will put Africa in a competitive mode in a globalizing world. In July 2011, NEPAD celebrated its 10-year anniversary.

The African Peer Review Mechanism (APRM)

The APRM (NEPAD's signature programme) has been seen by many policy and academic scholars as an opportunity to strengthen democracy. A unique feature of the APRM is that it provides for the establishment of an Independent Panel of Eminent Persons (IPEP), which has the responsibility to report on the review process and its outcomes. The idea of promoting good governance is not a new concept. Scholars such as Akokpari have cited numerous African conventions and protocols to which member states have subscribed, adding that even non-governmental organizations (NGOs) and multilateral partners and donors have at various times used a number of mechanisms as instruments for democratic and poor governance reforms.¹¹

According to Adebayo Adedeji, the APRM marks a sea change in attitude towards governance and is a positive step in promoting and internalizing the basic values of justice, equity, transparency and accountability. Adedeji further asserts that the APRM has the potential of advancing the process of establishing an indigenous instrument for revitalizing political social and economic systems. The officially declared primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental integration.¹²

Second, the APRM is conceived to ensure that all reviews carried out under its authority and mandate are credible, competent and free of political manipulation. Third, the mandate, purpose and principles of the APRM challenges sceptics about the true ownership of the APRM process.

The APRM as an innovative, African-based self-evaluative programme of NEPAD requires the voluntary accession by member states of the AU. Its main objective is to foster the adoption of policies, standards and practices that lead to human security and political stability, high economic growth, sustainable development, and accelerated sub-regional and continental economic integration. The APRM is anchored in the tenets of the constitutive act of the AU and its subsequent declarations, protocols and agreements. The Protocol Relating to the Establishment of the AU Peace and Security Council, for example, has as one of its main functions the promotion of peace, security and stability in Africa.

The APRM is a process by which designated institutions periodically review the progress of states in matters of governance. This is achieved by assessing the adherence of states to certain principles of governance set out by NEPAD and the AU. The review process is carried out under the auspices of the AU. A major objective of the review process is to ensure that African states are compliant with set-out standards, principles and practices of governance. These principles and standards (highlighted above) were established in July 2002 at the Durban summit.

A second major objective of the review process is to assist member states who accede to the review in developing and improving certain policies that help to promote human security. The AU, NEPAD and the Promotion of Good Governance are seen as representing a radical departure from previous practices when commitments to good governance were made through appending signatures to multilateral agreements, as in the African Charter on Human and Peoples' Rights (1981), the African Charter for Popular Participation in Development (1990), the African Charter on the Rights and Welfare of the Child (1990), and the Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999), signed in Grand Bay, Mauritius. In contrast, the APRM represents the first attempt by African states to subject their regimes to a monitoring process administered by fellow African states.¹³

The APRM has been seen by many policy makers and academic scholars as an opportunity for strengthening democracy. A unique feature of the APRM is that those who initially joined the project can withdraw if the process is seen to create conditions for instability and unrest in a country.

The APRM itself is composed of a set of entities that provide support and co-ordinate implementation of the review process at the continental and national levels. At the continental level, the APR structures comprise:

- the Committee of Participating Heads of State and Government (APR Forum);
- the Panel of Eminent Persons (APR Panel); and
- the APR Secretariat.

As part of a restructuring programme, NEPAD has recently been integrated into the AU, a move that led to the establishment of the NEPAD Planning and Coordination Agency (NPCA). The establishment of the NPCA was adopted by a Decision on the Report of Heads of State and Government Orientation Committee (HSGOC) on NEPAD during the 19th Ordinary Session of the AU held in Addis Ababa on 15–16 July 2012.¹⁴ The NPCA is a technical arm of NEPAD and replaces the NEPAD Secretariat. While retaining its essential mission and vision, the NPCA Action Plan has identified four priority interventions in governance, including: support for democracy and democratic processes; support and promotion of human rights; support for good governance; and enhancing economic and corporate governance.¹⁵ The APRM continues to be the major conduit through which the governance implementation agenda is evaluated.

Currently (since July 2012), 31 countries have signed the APRM memorandum of understanding (MoU), thereby acceding to being reviewed by their peers. The aim of the review

process is to interrogate all levels of government, parliament, the judiciary and the private sector. As of August 2012, approximately 15 member states of the AU had completed the review process, including Algeria, Benin, Burkina Faso, Ethiopia, Ghana, Kenya, Lesotho, Mali, Mauritius, Mozambique, Nigeria, Rwanda, South Africa and Uganda. Sierra Leone, Tanzania and Zambia were in the fourth phase of the APRM process where the chairperson of Eminent Persons had communicated recommendations to the heads of state and government of the countries. The final country review report and programme of action had been submitted to the forum of heads of states of the APRM for peer review.

Since its inception, NEPAD has received invaluable support from UNECA, with the office of governance and public administration (GPAD) being the focal point for such support. The ECA together with the African Development Bank (AfDB) and UN Development Programme (UNDP) were designated strategic partners of NEPAD. Since 2002 each strategic partner has been assigned a thematic area of focus extracted from the four pillars of the APRM—namely, political, economic, corporate and socio-economic governance.¹⁶ GPAD through its NEPAD Support Section has provided technical and strategic support to NEPAD and the APRM process. The objective of the NEPAD Support Section is to strengthen the UN support to the AU and its NEPAD programme by enhancing co-operation among UN agencies and other regional and sub-regional organizations. The section organizes the annual meetings of the RCM of UN agencies and organizations working in Africa, provides functional support to the RCM clusters in order to improve their effectiveness and impact, and engages in advocacy activities to raise awareness of NEPAD and the need to enhance UN system-wide support for it. The section is also responsible for providing institutional support to the AU Commission, the NEPAD Secretariat, the regional economic communities (RECs), member states, and other entities such as private-sector and civil society organizations; and for contributing to the formulation of Africa-wide policy programme frameworks on NEPAD.¹⁷

NEPAD achievements

Proponents have been quick to emphasize that the underlying principles and commitments of NEPAD pose a unique character and appeal in that they commit member states to take first responsibility in addressing pervasive development-inhibiting factors on the continent, including among others:

- dealing with violent conflicts and seeking sustainable resolutions to them;
- eradicating communicable diseases such as TB, Malaria, HIV/AIDS;
- eradicating poverty and ending longstanding dictatorships and developing strong democracies that are characterized by good governance; and
- changing the donor/recipient relationship and strengthening African economies.

NEPAD as a concept and developmental idea, as some have argued, is a comprehensive and holistic framework with detailed indicative plans for action across economic, political and social sectors. These development plans are not only focused on governance but also address issues in other economic sectors, including agriculture, regional infrastructure, education, and science and technology.

During its first 10 years, NEPAD has been able to involve many development partners who were hitherto reluctant to participate in continent-wide development programmes. Partners such as the AfDB, the World Bank, the International Monetary Fund (IMF), the European Union (EU), the UN and related agencies including UNECA, RECs and civil society

organizations have all participated in the development of NEPAD programmes across all sectors. From the outset, NEPAD placed a heavy emphasis on external support and partnerships including the mobilization of capital and other forms of support from international donors and financial institutions. NEPAD supporters argue that emphasis on international and external actors is central to NEPAD as an idea of a 'new' partnership to underpin African development.¹⁸

The most significant gains of NEPAD are perhaps located in the APRM, the signature and flagship programme of the NEPAD project. The APRM is viewed as the strongest platform for promoting the ideals of democracy, good governance and human rights. Established in 2003, the APRM was designed as an instrument of self-monitoring by participating member governments (currently numbering 31). The APRM promotes a:

holistic approach to development, emphasizing the links between peace and security, economic growth and development, and governance, and calls for a meaningful incorporation into national development plans of a range of social goods, such as poverty reduction, gender equity, participatory politics, transparency and accountability, and environmental sustainability.¹⁹

Against this framework, the APRM asks African governments to undertake 'self-assessments' to ensure that national plans correspond with this holistic outlook.²⁰ NEPAD followers and supporters argue that there has been a significant reversal in the decline of foreign aid flows to Africa. They also emphasize the decline in foreign aid which began in the early 1990s, and argue that its reversal is due to the contributions of NEPAD and the perception by donor countries and agencies that NEPAD is a credible blueprint for addressing democracy, human rights and governance challenges on the continent. The overall impact of the APRM project is yet to be tallied. Although on paper it promises to be an effective tool for promoting governance and democratization in Africa, recent events in Côte d'Ivoire, Tunisia, Egypt, Kenya and Uganda illustrate the challenges to implementing the APRM.

A noted achievement of the APRM, for example, is the potential of the project to identify systemic and structural problems confronting a state. This is especially relevant within the governance structures of the state. Completed review processes have revealed four critical systemic issues on governance, including: managing diversity; corruption; resource management (especially land) and governance; and elections. The APRM mechanism has been able to provide spaces for dialogue between the state and the citizens in addressing some of the more pervasive systemic problems of governance, with a view to seeking solutions to such structural problems. This in a more general sense has allowed for benchmarking best practices of governance. Best practices help to inform and highlight transformative approaches to governance.

NEPAD and its discontents

Critics of NEPAD are many and come from varied academic and intellectual influences. Many argue that although NEPAD is conceived as a long-term development plan, it is floated on short-term reinforcing goals.²¹ Karo sees the entire NEPAD project as a Western liberal economic model that has failed Africa previously in other development experiments. He argues that NEPAD is an up-down leadership-inspired document drawn, ratified and agreed upon for immediate implementation with little or no input from the African informed elite, civil society or people.²²

Others, including Chris Landsberg, question whether or not NEPAD is truly a development plan that will bring about genuine development to the continent. Despite emerging from three

African-prepared development documents, NEPAD is seen by critics not as home grown, but as a programme designed externally by a capitalist agglomeration. Patrick Bond, for example, argues strongly that NEPAD surfaced only after extensive consultations with the World Bank president and IMF managing director (November 2000 and February 2001), major transnational corporate executives and associated government leaders (at the Davos World Economic Forum in January 2001), G8 leaders (at Tokyo in July 2000 and Genoa in July 2001), and the EU president and individual northern heads of state (2000–01).²³

Undoubtedly, there is a great deal of pessimism about NEPAD, especially regarding its tenacity to generate good governance. NEPAD is now over 10 years old and in spite of the objectives and promises by its proponents, its good governance-instigating prowess is yet to be seen. Some critics argue that if NEPAD had lived up to its promises and expectations, events in north Africa and elsewhere in Africa would have been avoided, as leaders would have been encouraged by the NEPAD protocols and agreements to engage and deliver good governance. While NEPAD may be able to attract some FDI and overseas development aid (ODA), conditional on the adoption of liberalization policies by African states, this may not be the case for good governance. It is a truism that the formulation and implementation of NEPAD were scarcely informed by discussion, debate or consultation with Africans. De Waal has correctly noted that:

NEPAD has been designed by experts and adopted by governments with little public consultation. There is some popular discontent over this, and the weakness of consultation means that opportunities are being missed for strengthening popular ownership and ensuring that NEPAD promotes democracy.²⁴

Without good governance, government structures are exposed to corruption, lack of transparency and accountability, among other factors. These in turn affect the overall distribution of public goods to the population; hence a disintegration of human security ensues. It is unfortunate that this is a common occurrence in developing countries, especially those in Africa where the capacities and systems of government generally have loose and weak links. Landsberg argues that one of the fundamental problems with NEPAD is that the project does not place sufficient emphasis on African solutions and intra-African co-operation.²⁵ Since 2002, according to Landsberg, action plans developed by NEPAD for key sectors relied exclusively on external funding.

Another major area of discontent is the view held by some that NEPAD is a 'leader-centred' project. The leader-centric NEPAD makes little effort at halting privatization of public assets. The bottom-down approach of programmes and policy making, as well as the imposition of certain policies, has the potential of enslaving Africans all over again, and thus making it impossible for them to get out of the poverty trap.²⁶ As long as the leaders of NEPAD continue to ignore the importance of poverty alleviation, as long as they do not embrace a human development approach, NEPAD will remain a talk shop and the alleviation of poverty will remain elusive.

The challenge, therefore, is how a regime that persists in human rights violations, for example, can be made to reform if it withdraws from the review process or simply refuses to sign up. Worse yet, the mechanism lacks any definite elements of compulsion; the process has no clearly defined ways of obligating deviant states.²⁷

Evaluation under the APRM is carried out within the framework of agreed values, codes and standards as contained in the AU Declaration on Democracy, Political, Economic and Corporate Governance. The performance of any country under review is conducted according to four broad parameters and indicators: democracy and good political governance; economic governance and management; corporate governance; and socio-economic development. Some NEPAD critics

argue that as a continent-wide vision and development agenda, NEPAD does not align itself well with individual development plans of sovereign states, making it extremely difficult for harmonization.

Some NEPAD critics argue that the APRM as a mechanism is haunted by weak institutional and organizational challenges. Perhaps the new efforts to integrate NEPAD into the AU framework, and the establishment of the NPCA, will help address some of these institutional constraints. In addition, a serious challenge of the APRM process is the lack of follow-up processes that will ensure that recommendations from each country report are followed and implemented.

NEPAD: the next 10 years

The first requirement over the next 10 years of NEPAD is the need to transform the education systems in African countries as a decisive and crucial priority and agenda if meeting the development agenda of NEPAD is to become a reality. Whereas the rest of the world is utilizing technology in education, Africa continues to use traditional approaches to education. Dilapidated educational institutions and equipment are the order of the day in most African countries. The education, science and technology plank of NEPAD has not been given the proper attention it deserves. A paradigmatic shift in these areas is required to put NEPAD on a collision course with the education and technology demands of the 21st century. Unless significant increases in investments in these sectors are urgently undertaken, NEPAD will, like its development-oriented predecessors, fail.

NEPAD must also implement and bring to fruition the achievement of the eight priority areas identified in the MDGs on basic education, including improving the quality of education, achieving gender equality in education, developing effective feeding and nutrition programmes in schools, promoting open learning and distance education for teacher development, and capacity building in the public sector.²⁸

This approach is in tandem with the need to build capacities in many areas of the political and economic as well as social sectors of African societies. Building capacities to resolve conflicts in a sustainable way is crucial to political and economic development on the continent. Although this is not directly related to the mandate of NEPAD, stability and security in Africa are prerequisites to development. No development programme will succeed where there is insecurity. Progress made thus far by the AU Peace and Security Council (in Darfur, Côte d'Ivoire, Somalia) must be built upon. Indeed, there is much work to be done regarding building the peace-keeping capacities of the Africa Standby Force and the AU Peace and Security Council.

Capacity in political, human and economic development is a necessary precondition for growth and the promotion of human security. The AU through NEPAD must seek to develop capacities in all areas that deal with the security of the person (human security). These include building capacities for environmental protection and sustainability, health, education, infrastructure, social welfare, eradication of HIV AIDS, etc. This is crucial if any African country is to realize the NEPAD goals and objectives.

During the 1990s, population growth outperformed economic growth, and therefore if this trend continues the continent of Africa is destined to become progressively poorer. The challenge of NEPAD is radically to change this trend. While this is definitely possible, it will require a very strong commitment to both political and economic reforms from Africa's current leadership and a real partnership from the industrialized countries to support this monumental effort. There is no doubt that history has been unkind to the people of Africa. Slavery and colonialism degraded and exploited the continent and left a bitter legacy. Dictatorships, military coups, apartheid and the Cold War continued the destruction. However, if Africa must learn

from history, then it must be prepared to face the fact that part of the explanation of the present situation in Africa lies in the failed policies that have been forced upon many African nations in recent decades by both industrialized nations and African leaders themselves.²⁹

In order for NEPAD to have measurable success in the next 10 years, it must seek to address the imbalance imposed as a result of its lack of competitiveness on the global market due primarily to the fact that the continent relies heavily on exporting non-processed agricultural and mineral products. As a continent that exports mostly non-processed goods, Africa, in addition to the impediments of massive agricultural subsidies imposed by the more industrialized nations, must deal with its small domestic markets that are dependent on a very tiny middle class of consumers. At present, there is insufficient trade between African economies. Although there is a huge potential to expand markets by encouraging inter-African trade, this potential has not been exploited to its full capacity. The presence of immense trade barriers between African countries is mostly responsible for this dilemma. Lowering these barriers or removing them all together should be a priority for NEPAD in the next 10 years, if improved economic growth and development are to be achieved.

Although civil society is on paper designed to be an integral part of the APRM process, experience demonstrates that the inclusion of civil society is not as meaningful as it was designed to be. NEPAD must ensure meaningful inclusion of civil society and other non-state actors in setting the agenda for NEPAD and the APRM and its implementation. Such a meaningful inclusion of non-state actors and civil society actors will ensure the incorporation into the APRM of continental standards for 'demilitarizing' African politics and democratizing security institutions (ensuring democratic control of the armed forces).³⁰

Conclusion

NEPAD's most significant agenda is 'good governance', the major thrust of which is on the performance of the state and its capacity and legitimacy. As such, the minimal emphasis placed on the state in the implementation of NEPAD is incomprehensible. Giving priority to the state in development matters must become a focal area of interest for NEPAD in the next 10 years. The state must be expected to devise development plans that are sustainable. In the long term, NEPAD must put at the centre of its work the need to build states that put democratization and good governance at the cornerstone of all development activities.

In conclusion, to be a success NEPAD's partnerships with the developed world must be governed by mutual trust and equality in relationship. The efforts of the AU and other sub-regional organizations in luring the People's Republic of China and India as partners in their development pursuits must also be based on mutual trust and equality. The trend in China's relationship with Africa must be reversed if real gains are to be made in the realization of the goals set forth by NEPAD. At the moment, neither China nor India are viewed positively as development partners by the ordinary citizens of Africa. To change these negative perceptions, the NPCA must work earnestly to market NEPAD and the relationship of the project with development partners including India and China. The goal is to ensure a 'real partnership' guided by a principle of mutual trust, respect and benefits.

Notes

- 1 United Nations (UN) Regional Coordination Mechanism—Africa, 2007 RCM-Africa is the mechanism for enhancing UN system-wide coherence, co-ordination and co-operation at the regional and sub-regional levels to 'deliver as one' in support of the AU and its NEPAD programme.

- 2 Chris Landsberg, 'The Birth and Evolution of NEPAD', in John Akokpari *et al.* (eds) *The African Union and its Institutions*, Auckland Park, South Africa: Fanele, Jacana Media, 2008, 208.
- 3 The HSGIC is made up of Cameroon, Gabon, São Tomé and Príncipe, Ethiopia, Mauritius, Rwanda, Algeria, Egypt, Tunisia, Botswana, Mozambique, South Africa, Mali, Nigeria and Senegal.
- 4 NEPAD, www.nepad.org/2005/files/home.php (accessed 13 October 2011).
- 5 Sheila Bunwaree, 'NEPAD and its Discontents', in John Akokpari *et al.*, *The African Union and its Institutions*, Auckland Park, South Africa: Fanele, Jacana Media, 2008, 229.
- 6 Ibid.
- 7 Karo Ogbinaka, 'NEPAD: Continuing the Disconnections in Africa?' *The Journal of African Studies* 1:6 (December 2006).
- 8 'What is NEPAD?' para. 4, www.nepad.org/nepad/knowledge/doc/1767/nepad-framework-document.
- 9 'The New Partnership for Africa's Development', para. 53, www.nepad.org/nepad/knowledge/doc/1767/nepad-framework-document.
- 10 Adebayo Adedeji, 'NEPAD's African Peer Review Mechanism: Progress and Prospects', in John Akokpari *et al.*, *The African Union and its Institutions*, Auckland Park, South Africa: Fanele, Jacana Media, 2008, 244.
- 11 John K. Akokpari, 'The AU/NEPAD and the Promotion of Good Governance in Africa', *Nordic Journal of African Studies* 13:3 (2004): 243–63.
- 12 Adebayo Adedeji, 'NEPAD's African Peer Review Mechanism: Progress and Prospects', in John Akokpari *et al.*, *The African Union and its Institutions*, Auckland Park, South Africa: Fanele, Jacana Media, 2008, 244.
- 13 Christof Heyns and Magnus Killander (eds), *Compendium of Key Human Rights Documents of the African Union*, Pretoria: Pretoria University Press, 2006.
- 14 The NPCA was designed to strengthen co-ordination and coherence in programme implementation in line with the integration of NEPAD into the structures and processes of the African Union (see Assembly/AU/Dec. 442 (XIX), PG. 1; Doc. Assembly/AU/7 (XIX).
- 15 Progress Report on the Implementation of the African Peer Review Mechanism (APRM) Second Meeting of the Committee on Governance and Popular Participation (CGPP), UN Economic and Social Council, E/ECA/CCPP/2/3, p. 1.
- 16 Progress Report on the Implementation of the African Peer Review Mechanism (APRM), Second Meeting of the Committee on Governance and Popular Participation (CGPP), UN Economic and Social Council, E/ECA/CCPP/2/3, pp. 1–2.
- 17 Ibid.
- 18 'NEPAD Five Years Later: Critical Institutional and Civil Society Perspectives', International Peace Academy (IPA), July 2007, www.ipacademy.org.
- 19 Ibid.
- 20 Ibid.
- 21 Karo Ogbinaka, 'NEPAD: Continuing the Disconnections in Africa?' *The Journal of Pan African Studies* 1:6 (December 2006).
- 22 Ibid.
- 23 Ibid.
- 24 Alex de Waal, 'What's New in the "New Partnership for Africa's Development"?' *International Affairs* 78:3 (2002): 463–75, p. 474.
- 25 Chris Landsberg, 'The Birth and Evolution of NEPAD', in John Akokpari *et al.*, *The African Union and its Institutions*, Auckland Park, South Africa: Fanele, Jacana Media, 2008.
- 26 Sheila Bunwaree, 'NEPAD and its Discontents', in John Akokpari *et al.*, *The African Union and its Institutions*, Auckland Park, South Africa: Fanele, Jacana Media, 2008.
- 27 NEPAD, www.nepad.org/2005/files/home.php (accessed 13 October 2011).
- 28 Report A/59/206 of the UN Secretary-General to the UN General Assembly, 'NEPAD Second Consolidation Report on Progress in Implement and Internal Support', August 2004.
- 29 David Saunders, *Can Africa Overcome the Challenges of Poverty with a New Partnership for Africa's Development (NEPAD)?*, 2004, unpublished.
- 30 International Peace Academy (IPA), *NEPAD Five Years Later: Critical Institutional and Civil Society Perspectives*, July 2007, Nairobi, Kenya.

The African Union and regional economic communities

A partnership for peace and security?

John Akokpari and Sarah Ancas

Introduction

Significant questions remain about the effectiveness of the African Union (AU) as a peace and security organization and its relationship with Africa's regional economic communities (RECs) and the related Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs). The international community has put its faith and resources into encouraging the role of RECs and the AU to act as essential on-the-ground security actors who can craft *African solutions for African problems*. A key part of this developing regional co-operation is the establishment of the African Standby Force (ASF), which forms part of a continent-wide network of standby brigades that can be deployed as necessary in peace missions. However, there are other nodes of co-operation, including a Continental Early Warning System, the Panel of the Wise, and the AU's post-conflict reconstruction and development framework. These institutions are supposed to come together with the regional 'pillars' to form what is known as the African Peace and Security Architecture (APSA).

This chapter argues that while there is a partnership in principle between the AU and its RECs in dealing with issues of peace and security, in practice there is often disagreement and lack of clarity over the nature of the partnership between the bodies. Furthermore, the dynamics and levels of progress in peace and security co-operation vary between regions, making it impossible to speak about one *partnership*, but rather the varied partnerships that exist between the AU and each of the RECs/RMs. In advancing this and related arguments, the chapter begins by explaining the basis of the AU-RECs partnership. Next, it explores the rationale for and foundation of regional security partnerships in Africa, moving on to establish the legal and institutional relationship between the AU and RECs. These partnerships are further evaluated, discussing points of tension and examples of disunity and poor co-ordination in recent peace efforts. A final section focuses on the development and advancement of the ASF structures as an important nexus of the AU-REC partnership.

Why regional partnerships for peace and security?

Since 1992, when Boutros Boutros-Ghali's *An Agenda for Peace* called for an increasing division of labour between the United Nations (UN) and regional organizations as a means of burden sharing,¹ regionalization has been seen as a valuable development in peace and security. The agenda promoted the use of regional security organizations as first responders and load sharers in order to reduce some of the UN's peace-keeping burden. The *Agenda* followed developments in West Africa where the Economic Community of West African States (ECOWAS) deployed its own peace-keeping forces in Liberia (1990) and Sierra Leone (1997), managing to bring tentative stability to the region without extensive external support.² The idea that regional organizations may have a 'comparative advantage' in preventing and settling local conflicts and assisting the UN in their containment role formally emerged out of the 1995 report *Improving Preparedness for Conflict Prevention and Peacekeeping in Africa*.³

The logic behind such a statement is that regional organizations can help to bring the resources and leverage required to sustain a successful peace process. Regional actors' familiarity with the region, including cultural, social and historical contexts, can make them more effective on the ground, while geographical proximity should also facilitate quicker and less expensive responses. Regional organizations should also be more committed to bringing durable peace to their own neighbourhoods in order to avoid possible negative ramifications for themselves, such as cross-border refugee or arms flows.⁴ However, peace and security efforts led by a regional organization (rather than a simple unilateral or bilateral effort), require greater levels of co-ordination and co-operation to harness these advantages. Regional actors must therefore determine a way to manage the interests and demands that emerge from the other local and international players who have a stake in the conflict in order to be successful peace-makers.⁵

When these organizations started to engage with peace and security matters in the 1990s, there was no effective continental mechanism to co-ordinate the efforts between the RECs and the Organization of African Unity (OAU).⁶ In 2000, the OAU conceded that co-operation with sub-regional organizations on the continent was lacking due to inadequate structures, poor institutionalization, and the absence of a coherent approach to these relationships.⁷ Unable to harness the advantages of working in partnership with sub-regional actors, the OAU lost credibility and performed below expectation in its role in peace and security management. Today, the challenge of the AU remains how better to develop these structures and work towards establishing a viable peace and security partnership that alleviates the competition and incapacity of past peace missions and that exploits the regional comparative advantages that Boutros Boutros-Ghali envisioned.

Foundations of the AU's peace and security architecture

In recognizing its shortcomings, the OAU heads of state and government met in Lomé, Togo, in July 2000 and reconstituted themselves into the AU through the adoption of the Constitutive Act of the Union.⁸ The Act lists the promotion of 'peace, security, and stability on the continent' as a main objective of the Union. The most revolutionary principles under the new approach to peace and security are listed under article 4. Included are 'the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances', which include war crimes, genocide and crimes against humanity, as well as the right of member states to request an intervention by the Union to restore peace and security.⁹ The Act creates the main organs of the AU, although apart from imposing sanctions or suspending a member state's membership,¹⁰ it provides little detail on the AU's actual peace and

security mechanisms. This was expanded upon in the Protocol Establishing the Peace and Security Council (PSC).

In 2002, at its inaugural summit in Cairo, Egypt, AU members laid the framework for the PSC, a council of 15 regionally varied member states, which oversees the aforementioned peace interventions. The principles for intervention stand in stark contrast to the old codes of the OAU which privileged sovereignty and non-intervention in the internal affairs of member states.¹¹ The PSC Protocol also lays out the mechanisms that will support the PSC: a Panel of the Wise, a Continental Early Warning System (CEWS), an African Standby Force (ASF) and a Special Fund.¹² Despite the embrace of what has been termed the ‘non-indifference’ norm,¹³ the AU efforts still remain beholden to politics among member states since the supreme authority of the AU remains with the Assembly (the heads of state and government), and member states may shy from providing support for interventions if it is not in their interests to do so.

Characterizing the relationship between the AU and RECs/RMs

In addition to the AU, ECOWAS,¹⁴ the Southern African Development Community (SADC),¹⁵ the Inter-Governmental Authority on Development (IGAD),¹⁶ and the Economic Community of Central African States (ECCAS)¹⁷ have also made strides in increasing their capacity in peace and security.¹⁸ While other RECs are recognized by the AU, their peace and security institutions remain underdeveloped, if present at all. Given that the RECs/RMs have been deemed ‘pillars’ of the AU in the PSC Protocol,¹⁹ these mechanisms are inherently part of the APSA and form the basis for the envisioned peace and security partnership.

The basic legal framework for the overarching peace and security relationship between the AU and sub-regional organizations is laid out in the Constitutive Act of the AU, the PSC Protocol and the 2008 memorandum of understanding (MoU) on Cooperation in the Area of Peace and Security between the AU and the RECs. The Constitutive Act broadly states that the AU will co-ordinate and harmonize the policies between the AU and RECs towards the attainment of the AU’s objectives.²⁰ In the PSC Protocol, the drafters more specifically acknowledge the involvement of regional mechanisms in the maintenance and promotion of peace and security, as well as emphasizing ‘the need to develop formal coordination and cooperation arrangements between these Regional Mechanisms and the African Union’.²¹

Article 16 of the PSC Protocol characterizes the relationship between the AU and the sub-regional bodies, establishing that the Union will have the ‘primary responsibility’ for promoting peace, security and stability in Africa. Under section 16(1)(b), it establishes that ‘the modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances’. The principle of comparative advantage recognizes the fact that some of the sub-regional organizations were actually more advanced or more competent in peace operations than the AU was at the time, reflecting ECOWAS’ successful peace-keeping experience and other RECs’ experience in mediating peace agreements for states in their region.²²

The MoU on Cooperation in the Area of Peace and Security, signed in 2008 between several of the RECs,²³ the AU, and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, has provided further insight into the nature of the relationship.²⁴ The MoU is a binding legal instrument on the parties, providing the principles, rights and obligations that apply to the AU and the RECs/RMs.²⁵ The MoU obliges the parties to ‘institutionalize and strengthen their cooperation and closely coordinate their activities’, signalling the commitment to move beyond informal collaboration and politicking.²⁶ The MoU explains that the principles of ‘subsidiarity, complementarity and comparative advantage’ will

guide decisions to optimize peace operations and the partnership. The parties are called upon to work together to operationalize the CEWS, the ASF and to build their co-operation on conflict prevention, management and resolution, as well as on humanitarian action, post-conflict reconstruction, arms control and counter-terrorism efforts. Article 20 of the MoU further clarifies the relationship, explaining that the RECs, where appropriate, will be called upon to prevent and manage conflicts through peace-making, peace support missions and peace-building efforts, within and among their member states, again without prejudice to the primary role of the Union.

Evaluating the partnership(s)

The AU, the RECs/RMs and their outside partners have made much progress in developing the APSA, which was assessed in a major study at the end of 2010. The report noted that AU-REC co-operation is stronger on the ASF and the CEWS, which already have articulated roadmaps, but is weaker on the Panel of the Wise, the Peace Fund, and especially the PSC and other areas of political co-operation.²⁷ The report finds a need to develop further the institutional relationship between these organizations, such as by strengthening the partnership between the chairperson of the AU and the chief executives of the RECs/RMs, which at the moment remains largely personal and lacks continuity and structure. This lack of institutionalization is what makes each AU-REC relationship unique, with some stronger and more or less co-operative than others.

The efforts at handling the political instability and violence in Madagascar in 2009 illustrate the disjuncture. Because there is no formalized relationship between the troika of the SADC organ and the AU PSC, collaboration became problematic and tension-ridden.²⁸ The *result* was that the SADC's mediator, former Mozambican President Joachim Chissano, unilaterally exerted his authority to act as the lead mediator on behalf of the SADC, limiting the potential role of the AU and of the UN, despite the formation of a 'Joint Mediation Team' that included these other partners. Confusion and an absolute lack of coherent leadership undermined the mediation process from the beginning when at least six mediators were deployed to Madagascar and competition for the lead peace-making role ensued.²⁹ This ad hoc, jumbled collaboration permeates the more political, less technical features of the APSA.

Furthermore, the PSC lacks the position and capacity to co-ordinate conflict resolution efforts with the RECs/RMs. While it stands as the main forum for decision making, co-operation and communication even with the other AU structures, such as the early warning system and Panel of the Wise, remains very limited despite the interdependent set-up of the APSA.³⁰ The PSC's isolation within the AU structures makes it more difficult to work cohesively with the REC/RM structures as well as co-ordinate external partners such as the UN.

Conflict resolution in the Horn of Africa illustrates this problem. While IGAD developed its Conflict Early Warning and Response Mechanism (CEWARN) in 2000,³¹ and has played a significant role in previous mediation efforts in Sudan and Somalia,³² the AU PSC and its Panel of the Wise have not successfully co-ordinated with the REC in any of its recent peace-making efforts in Sudan, Kenya or Somalia. While the AU continues to stress the need for a regional approach to the challenges of peace and security in the Horn, calling on IGAD, among other stakeholders, to initiate a new conference in support of peace,³³ real collaboration between the institutions, including their early warning institutions and the Panel of the Wise, has not occurred. Rather than the Panel of the Wise being used in Kenya's post-election dispute, former UN Secretary-General Kofi Annan was called in with his own mediation team, which although successful, was not strongly co-ordinated by the AU or with regional bodies,³⁴

providing little continuity and oversight of implementation after the agreement. IGAD's role has similarly been diminished in the decision making of peace-keeping and conflict management in Sudan and Somalia, showing the weakness of the partnership in this region.

The 2010 APSA report also lists the debate over the principle of subsidiarity as a major challenge in the relationship between the AU and RECs/RMs. Although there is tacit acceptance of the principle, its application is less clear. Different RECs see a distinction in the role of the AU either as an implementing agency or a co-ordinating agency. There is no clear answer as to who will choose which role the AU takes in any given situation. In any case, where certain RMs have developed their ASF capacities or early warning capacities beyond those of the AU, it is hard to imagine how the regional bodies can act in a relationship of subsidiarity to an organization that is less developed than they are themselves.

This tension featured in the recent post-election conflict resolution process for Côte d'Ivoire, where little evidence of co-operation between ECOWAS' Mediation and Security Council and the PSC could be found. The variety and flow of mediators was clearly unco-ordinated and ineffective in finding a peaceful solution to the crisis that dragged on for over four months and resulted in terrible human suffering.³⁵ ECOWAS envoys increasingly warned that force would be used if diplomacy did not succeed; however, the panel that the AU dispatched to the crisis dissented from this position. South Africa, with the backing of Uganda and Angola, made proposals for a power-sharing interim government until new elections could be held.³⁶ An ECOWAS spokesperson announced in February 2011 that African disunity on a solution was undermining the efforts of the regional organization.³⁷ ECOWAS expressed anger at South Africa questioning its position, saying it undermined the normal principle of deference to regional leadership in such situations and that ECOWAS reserved the right to act, regardless of the AU position.³⁸ With the failure of the AU panel to consolidate a solution, on 24 March ECOWAS again communicated its support for a military solution, suggesting then that the UN peace-keeping force on the ground should help facilitate the removal of President Gbagbo.³⁹ While national opposition forces with French support ultimately removed Gbagbo in April, the strain between ECOWAS and the AU amid confusion over regional leadership and the meaning of subsidiarity created policy paralysis. Laurent Gbagbo was subsequently sent to the International Criminal Court (ICC) in The Hague, Netherlands, to stand trial for alleged human rights abuses and crimes against humanity.

This disjuncture between the principle of subsidiarity and the idea of comparative advantage continues to affect the developing partnerships. It limits the establishment of a 'clear, institutionalized working relationship' between the AU and the RECs/RMs in their peace and security partnership.⁴⁰ It is significant that there is no clause explicitly requiring a REC to obtain approval for a peace-making or peace-building mission before it undertakes one, allowing for possible conflicts over which organization has command or the lead role. Rather than outlining a decision-making process for command and leadership in peace and security efforts, the partnerships are excessively flexible, with room for high politics and national interests to become crucial factors in initiating peace operations. Without specifying who has the decision-making power or what the decision-making process will be, decisions may be taken in an ad hoc manner, beholden to the politics of the region or of the regional organizations that are potentially involved.

The ASF and African peace-keeping potential

The development of the ASF is a key part of the APSA and the AU-REC relationship. The forces are organized on a regional basis, with one brigade or co-ordination mechanism located

in each of the five main regions: the SADC Brigade (SADCBRIG), the Eastern Africa Standby Force (EASF),⁴¹ the ECOWAS Brigade (ECOBRIg), the North African Standby Brigade (NASBRIG), and the ECCAS Brigade (ECCASBRIG). It was originally planned that by 30 June 2010, the ASF would be established and ready to deploy in complex, multidimensional peace operations under AU management, but progress is behind schedule and neither has the AU set a new deadline for the establishment of the force. The ASF is supposed to be able to deploy within 30–90 days and will be expected to handle a variety of missions, including observer missions, preventative deployments, humanitarian interventions and complex peace support operations.⁴²

Article XX(4) of the MoU establishes that the RECs and Standby Brigade Coordinating Mechanisms may need to make their brigades available for deployment for an operation outside their jurisdiction upon decision by the PSC.⁴³ It is also affirmed that the interventions envisioned in the Constitutive Act be authorized by the Assembly upon recommendation by the Council (Article XX(6)). This statement, however, does not explicitly prohibit an REC or Coordinating Mechanism from acting of its own accord, other than that the actions must be in line with the AU principles and that the AU must be kept informed of the regional actor's operations. A guideline attempting to set out a clearer AU process for establishing mission mandates was proposed in April 2009.⁴⁴ The plan details the AU bodies that have responsibilities in the mandating process, with the mandate emerging from the PSC and earning final approval through a vote of the AU Assembly.

To date, the AU has executed three military peace operations, in Burundi, Darfur and Somalia. The Burundi mission (2003) was limited in its goals and capacity which was heavily dependent on South Africa,⁴⁵ but was crucial in that it entered the country when others were reluctant to do so.⁴⁶ The mission was able to oversee a relatively successful turnover to a UN mission, which then led the country forward through post-conflict peace-building and development. The mission in Darfur (2004–07) was even more limited in its capacity, but had a robust mandate that would have been difficult to achieve even with sufficient resources. It was an early step towards the operationalization of the AU's Standby Force, although it ultimately had to rely on UN forces and capacity, resulting in the 'hybrid' UN-AU mission that assumed command at the end of December 2007.⁴⁷ Thus, the AU operations in Darfur and Burundi have generally illustrated that the AU is still unprepared for the independent deployment of a complex peace-keeping operation on the continent.⁴⁸ The AU force in Somalia (2007–present) has not fared any better, proving ineffective in the face of continuing conflict and even becoming embroiled in the local fighting, causing local opposition to grow.⁴⁹ None of these missions have used the regional brigades, but rather have relied on troop contributions from individual AU member states.

Co-operation and progress are continuing, with further meetings of the AU and RECs on development of the RMs taking place, as well as training operations, such as Exercise AMANI Africa which was held in October 2010 in Addis Ababa relating to the deployment of the ASF, as well as a workshop on the third roadmap for the operationalization of the ASF in April 2011.⁵⁰

Yet looking at Southern Africa, where the peace-keeping need has been great in both Burundi and the DRC, reveals slow development and questions about the brigade's possible deployment. The region's planning element was established in 2005 and the brigade was formally established in 2007, but it has yet to finalize its central regional infrastructure facility, to generate sufficient troops, and it lacks the finances, logistics and strategic airlift capability to deploy troops. Furthermore, in its establishment, SADC made it so that any contribution to AU peace operations by SADCBRIG must be recommended by the SADC organ and approved by the SADC summit.⁵¹ It is likely that political and strategic differences will limit the timely deployment of SADCBRIG, reflecting the lack of common interests and values on peace and security issues among member states.⁵²

Uneven capacities across the different regions are especially troublesome for the establishment of a working partnership. Even more problematically, the North African Regional Capacity (NARC) is not fully staffed, remains disconnected from the AU, and lacks co-ordination with the interstate organizations in the sub-region, leaving it the least developed of the brigades, with recent regional political upheavals leaving even bigger questions. The crises in Tunisia, Egypt and Libya in 2010 and 2011 and the absence of a regional voice on the issues was testament to the absence of an effective regional peace-making body. Similarly, the ECCAS Standby Force still needs to develop its binding policy and legal instruments and continue to develop its components and staff. Interoperability, command and control structures at the continental and regional levels, adequate staffing and expertise, logistics, financial management and legal arrangements all need further development and currently fall short of the ambitiously set goals.⁵³

As at the time of writing there are no binding legal agreements between the RECs/RMs and their member states for the deployment of troops, a clear obstacle remains to institutionalizing and ensuring further support for the ASF. Limited commitments by member states to support peace operations, in terms of personnel, materials and financial support, are likely to continue to be an obstacle for further missions. The result is that the APSA, and certainly the AU's peace-keeping missions, are dependent on external partner funding, which is not always sustainable or dependable, and may come along with stringent constraints by donors with which it is difficult to comply.⁵⁴

Conclusion

The AU has worked to build partnerships with the RECs to address threats to peace and security on the continent. This interaction has been necessitated by a number of factors, including the growing number of threats to peace and security, the realization that RECs are sometimes better suited to deal with regional conflicts, and the AU's resolve in article 4(h) of its Constitutive Act to be proactive in responding to grave circumstances such as genocide and crimes against humanity. Standby brigades are supposed to be ready for expeditious deployment to conflicts spots, yet this progress has been limited and highly uneven. In addition to the absence of effective institutionalization and continuity in partnership structures, there is often a lack of clarity over who leads peace and security initiatives. One effect of this is to vitiate the ability of the AU-RECs partnership to devote equal attention to all peace and security operations. The partnership between the AU and RECs will remain ambivalent, as it is certain to be complicated by the growing number of challenges facing the AU, and hampered by its inability to cement a peace and security architecture that can credibly act and stand up for the principles laid out in its Constitutive Act.

Notes

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- 15 SADC members are Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.
- 16 IGAD comprises Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.
- 17 ECCAS' member states are Angola, Burundi, Cameroon, Central African Republic, Chad, the Republic of the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda, and São Tomé and Príncipe.
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The African Charter on Democracy, Elections and Governance

Business as usual?

Mireille Affa'a Mindzie

Introduction

Between 2000 and 2010, military and constitutional coups, including attempted and failed coups, were recorded in over 10 African countries including Central African Republic, Chad, the Democratic Republic of the Congo, Equatorial Guinea, Guinea, Guinea-Bissau, Madagascar, Mauritania, Niger, São Tomé and Príncipe, and Togo.¹ Respect for human rights and the rule of law remains minimal if not random in many countries; in 2010, Africa was ranked the most corrupt region in the world, with six countries, namely Somalia, Sudan, Chad, Burundi, Angola and Equatorial Guinea, listed among the 10 most corrupt nations.² Nevertheless, since the end of the Cold War, the increasing acceptance of liberal democratic principles, stronger demands for human rights protection and popular participation, and the pre-eminence of the neo-liberal economic ideology have highlighted the need for better responses to the peace, security and development challenges facing the continent.³ Among other instruments, this has facilitated the emergence of a renewed interest in Africa for human and peoples' rights, democracy and governance,⁴ marked by the adoption of the African Charter on Democracy, Elections and Governance (ACDEG or the Charter) during the eighth ordinary session of the Assembly of the African Union (AU), held in January 2007 in Addis Ababa, Ethiopia.

This chapter interrogates whether, in an increasingly interdependent world facing multiple challenges, the Charter provides the necessary answers to Africa's quest for sustainable democracy, peace and development. What role does it play concretely in advancing democracy, governance, human rights and the rule of law across the continent? These are the main questions that this chapter will address. Considering first the normative and then the operational components of the ACDEG, the chapter examines African states' response to the Charter, highlighting the progress made and existing opportunities for advancing democracy, human rights and good governance in Africa, while also pointing out the challenges that have hindered the effectiveness of the Charter since its adoption.

The trajectory to the African Charter on Democracy, Elections and Governance

From 1981 onward, the adoption of various instruments by members of the former Organization of African Unity (OAU) illustrated the importance, at least in theory, African leaders attached to the promotion of basic human rights and fundamental freedoms. Following the African Charter on Human and Peoples' Rights, the principle of popular participation was proclaimed by the African Charter for Popular Participation in Development, adopted in 1990 in Arusha, Tanzania.⁵ The concern posed by *coups d'état* was expressed in the 1999 Algiers Declaration on Unconstitutional Changes of Government, and the 2000 Lomé Declaration on the Framework for an AU Response to Unconstitutional Changes of Government.

Also in 2000, the Constitutive Act of the AU formalized the renewed commitment of African states to good governance, popular participation, the rule of law and human rights, recognized among the objectives of the AU. Gender equality and the respect for democratic principles were other norms enunciated to guide the functioning of the new organization. In addition, AU member states proclaimed the continent's rejection of impunity and political assassinations, acts of terrorism and subversive activities, as well as unconstitutional changes of government.⁶

In 2002 in Durban, South Africa,⁷ African states adopted the AU Declaration on the Principles Governing Democratic Elections in Africa which acknowledged the contribution of both the 2000 Solemn Declaration of the Conference on Security, Stability Development and Cooperation in Africa (CSSDCA), and the 2001 New Partnership for Africa's Development (NEPAD), to emerging continental efforts towards democracy and the protection of human rights. With a regional conference on 'Strengthening African Initiatives: Elections, Democracy and Governance', jointly organized by the AU, the Independent Electoral Commission of South Africa and the African Association of Electoral Authorities in Pretoria, South Africa, in April 2003, all these instruments led to the adoption of the ACDEG.⁸ In December 2012, the Charter was signed by 41 and ratified by 17 countries.

Normative analysis of the ACDEG: agreed standards and the state of democracy, human rights and governance in Africa

The ACDEG covers three thematic areas of democracy, elections and governance in six chapters (articles 4 to 43). Comparing the standards and principles proclaimed with existing norms and African states' practices, what potential does the Charter have to transform AU member states into democracies respectful of human rights, the rule of law and good governance?

Promoting democracy, human rights and the rule of law

The Charter strongly emphasizes the supremacy of constitutional rule, which should help strengthen public institutions. The renewed attachment of AU member states to constitutionalism confirmed the national reforms initiated at the beginning of the 1990s, which created a more favourable environment for democracy and governance.⁹ Between 1989 and 2008, the number of democracies in Africa rose from three to 23.¹⁰ However, despite focusing on the constitutional nature of access to and distribution of power, the Charter does not specify the holding of free and fair elections as the only democratic and legitimate means to acquire and exercise power in Africa. In addition, in a region where power is often strongly imbalanced in favour of the executive, the Charter makes only implicit reference to key constitutional

principles that facilitate checks and balances such as the principle of separation of powers, and the legitimacy and accountability of elected leaders and civil servants.¹¹

Beside constitutional order, human rights and fundamental freedoms are another pillar of the Charter's democratic and governance machinery. Inspired by the African Charter on Human and Peoples' Rights, the ACDEG proclaims a series of human rights and fundamental freedoms. Any discrimination based on political opinion, gender, ethnic, religious and racial grounds, as well as any other form of intolerance, is prohibited.¹² Diversity is encouraged as it contributes to democracy and citizen participation. The right to equality before the law and equal protection by the law is also recognized as a 'fundamental precondition for a just and democratic society'.¹³ Popular participation, exercised through universal suffrage, is proclaimed as an inalienable right of the people (article 4, para. 2).

The ACDEG commits state parties to protecting the rights of marginalized and vulnerable groups, including women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons. As the continental human rights system gradually expands beyond the Human Rights Charter to include specific instruments protecting refugees and internally displaced persons, the youth, and advancing gender equality, a broad interpretation of the Charter will lead, it is hoped, to bringing in a wide range of people who for a long time were excluded from political participation. African countries have widely ratified most international and regional human rights treaties and conventions. However, an important gap subsists between the human rights rhetoric and the reality on the ground as many Africans remain deprived of their basic human rights and freedoms.¹⁴

To back up their commitment to democracy, human rights and the rule of law, state parties to the Charter undertake to build a culture of peace and democracy. This calls for appropriate legal and policy frameworks, programmes and activities that can ensure transparency and accountability. It also requires the existence of functioning civil society organizations, the integration of civic education in educational programmes and activities, and strong, independent and accountable political institutions.¹⁵ Several African countries have established such institutions as an office of the Ombudsman, the Public Protector or Médiateur, national human rights institutions, gender and anti-corruption commissions, and media authorities, which play an important role in advancing and protecting democracy, human rights and good governance.¹⁶ However, due to factors linked to their mandate and composition, possible funding and capacity constraints, and in some cases political interference mainly by the executive, the effective contribution of these institutions to the consolidation of democracy remains variable.

Elections and the condemnation of unconstitutional changes of government are the second pillar of the ACDEG normative system.

Democratic elections and the rejection of unconstitutional changes of government

Promoting free and fair elections

The Charter formalizes, in a binding document, the minimum standards for the holding of free, fair and credible elections.¹⁷ These standards cover the establishment of independent and impartial election management bodies; strengthening of the national mechanisms mandated to resolve electoral disputes; the fair and equitable access by political parties and candidates to state-controlled media during elections; and the adoption of a code of conduct to regulate political actors' behaviour throughout the electoral process. In addition, state parties to the Charter undertake to adopt all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels.¹⁸

Issues including electoral laws and timeframes, voter eligibility and registration, boundary delimitations, political party registration and funding, electoral campaigning, but also the conduct of the poll and counting of the votes, are missing from the only legally binding AU instrument regulating electoral processes across the continent. The Charter should be read in conjunction with the 2002 Declaration on the Principles Governing Democratic Elections in Africa. However, a comparison of the two instruments with either the Economic Community of West African States (ECOWAS) Supplementary Protocol on Democracy and Good Governance, or the Southern African Development Community (SADC) Norms and Standards for Elections in the SADC Region still shows the incompleteness of both AU documents.¹⁹

An important part of the provisions dealing with democratic elections in the ACDEG is devoted to electoral assistance and to election observation and monitoring by the AU. Often vague, these provisions can be complemented with the Guidelines for AU Electoral Observation and Monitoring Missions adopted in Durban in 2002. The guidelines detail the modalities of election observation and monitoring by the AU, specifying their nature and scope, the mandate, rights and responsibilities of the missions, and formulating a binding code of conduct for AU election observers and monitors.

In practice, multiparty elections have facilitated the emergence and grounding of democracy in countries including Benin, Botswana, Cape Verde, Ghana and Mauritius. In Liberia and Sierra Leone, elections have helped to stabilize both countries when they emerged from protracted wars. However, in other countries, the regular practice of elections has done little to end irregularities, rigging and fraud, despite increased voter participation.²⁰ With regard to electoral assistance and election observation and monitoring, the multiplication of actors involved, from partners providing financial assistance and technical support, to international, regional, sub-regional and national observers and monitors, calls for increased co-ordination. For the AU, it means to continue improving its collaboration with the various RECs for an effective utilization of the resources available across the continent, and maximization of each organization's added value.

Definition and sanctions of unconstitutional changes of government

Identifying unconstitutional changes of government

Article 23 of the Charter identifies five unconstitutional means to access or maintain power: (1) any putsch or *coup d'état* against a democratically elected government; (2) any intervention by mercenaries to replace a democratically elected government; (3) any replacement of a democratically elected government by armed dissidents or rebels; (4) the refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or (5) any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

Between 2005 and 2010 in Algeria, Cameroon, Chad, Djibouti and Uganda, constitutional amendments eliminated presidential term limits, allowing the incumbent to continue running for election. Similar initiatives failed in Nigeria in May 2006, and in Niger, where they led to a military coup against then President Mamadou Tandja in February 2010. However, the announced candidature of Senegalese President Abdoulaye Wade for the 2012 election, and his subsequent contestation of the poll, were seen as another attempt to bend the two-term constitutional limit.²¹ Moreover, following cases of family transmission of power in Togo, Gabon and similar concerns in Egypt or Libya before the 2011 uprising, as well as power-sharing agreements in Kenya and Zimbabwe after the contestation of elections by the main contending parties, it has been suggested that the AU list of unconstitutional changes of government be

increased by adding cases of undemocratic governments and abuses of the democratic process.²² Unconstitutional changes of government are rejected and condemned by the Charter.

Sanctioning unconstitutional changes of government

At the level of the AU, the Peace and Security Council, the Assembly and the Commission play important roles in sanctioning unconstitutional changes of government. With diplomatic efforts required prior to the intervention of the Peace and Security Council, the Panel of the Wise, established to support the Peace and Security Council and the chairperson of the Commission's initiatives in conflict prevention, could strategically help diffuse tensions and assess the situation immediately after an unconstitutional change of government has occurred.²³ The failure of such diplomatic initiatives leads the Peace and Security Council to suspend the concerned state from exercising its right to participate in the activities of the Union and as long as the situation that led to the suspension persists (article 26).²⁴ Recent suspensions post-military coups targeted Madagascar and Guinea-Bissau in March 2009 and Niger in February 2010, Côte d'Ivoire after the November 2010 violent election and former President Laurent Gbagbo's refusal to concede defeat and relinquish power, as well as Guinea-Bissau and Mali in 2012.

The AU Assembly can also, under article 23 of the Constitutive Act, intervene to sanction the perpetrators of unconstitutional change of government, but also any member state that is proved to have fomented or supported such intervention in another state. These sanctions may include denying the right to speak at meetings, to vote, to present candidates for any position or post within the Union, or to benefit from any activity or commitments. They can also involve the denial of transport and communications links with other member states, as well as any other form of sanction, including punitive economic measures, to be determined by the Assembly.

It is the responsibility of the Commission, including through judicial means, to ensure that effect is given to the decisions of the AU. Moreover, a country's suspension for unconstitutional change of government does not release that country from its obligations under the AU, particularly those relating to the protection of human rights.²⁵ In implementing its 'principle of non-indifference', this provision opens the way to a possible intervention of the AU in a country that went through an unconstitutional change of government, in the eventuality of massive human rights abuses such as war crimes, genocide and crimes against humanity.²⁶

Enhancing political, economic and social governance

The focus put by AU member states on governance seeks to respond to the need for sustainable development and human security across the continent.

Strengthening political governance

This objective emphasizes strengthening institutions and democratic principles and practices by building on existing instruments and structures like the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and its African Peer Review Mechanism (APRM). An accountable, efficient and effective public administration should be developed. Relevant institutions including the security sector and the judiciary should be reformed. Harmonious relationships between civilian and military authorities and structures should be established and maintained. Moreover, the capacity of parliaments to execute their core functions should be reinforced. In countries including Botswana, Cape Verde, Ghana or Mauritius, multiparty democracy and the holding of periodic free and fair elections have facilitated

competition and the emergence of effective legislatures, inclusive of opposition political parties. However, for the majority of African countries, the dependency of parliaments on the executive for their necessary financial, human and material resources continues to impede on the capacity of the legislature to represent effectively people's rights and interests, while checking and balancing the executive as it formulates and implements public policies.²⁷

The Charter further calls for the decentralization of power to democratically elected local authorities, as well as acknowledging the critical role traditional authorities could play in advancing democratic values.²⁸ Equipped with the adequate funding, skills and personnel, local governments contribute to maintaining law and order in the rural areas, supplying social services, as well as ensuring local ownership by encouraging greater popular participation at community level.²⁹ As for traditional leaders, having played a central role in pre-colonial governance systems, they are still respected and remain the custodians of customary law, and a major force for political cohesion and social stability.³⁰ However, limited financial and institutional support, criticisms of social conservatism, and gender discrimination have the potential to limit the contribution of traditional authorities to the promotion of good political governance.³¹

Promoting economic governance

Article 33 of the ACDEG lists various measures that can help state parties institutionalize economic and corporate governance. These include improving public-sector management to enhance its effectiveness and efficiency. Transparent and careful utilization of public resources must ensure their sustainability; public services must be improved; AU member states should prevent and combat corruption, manage public debt more efficiently, and set up a tax system based on transparency and accountability. In addition, a sound economic environment calls for the definition and implementation of economic development strategies that support private-sector growth and foster private-public partnerships. The economic environment must also encourage investment and attract foreign capital inflows.

Corruption is considered a complex phenomenon that affects all countries to various degrees. In 2002, the AU estimated that corruption was costing Africa nearly US\$150 billion a year, with a severe impact on the political, economic, social and cultural stability of African states. Countries in the region have developed continental, regional and national anti-corruption norms and institutions. These include the AU Convention on preventing and combating corruption adopted in Maputo, Mozambique, in July 2003;³² regional frameworks set up by ECOWAS and SADC; as well as national anti-corruption laws and commissions, which complement the role played by parliaments, the judiciary and non-state actors in monitoring and denouncing corruption. However, combating corruption remains a key priority for the AU as cases of corruption are also likely to affect members of parliament, the judiciary or financially weakened civil society organizations, thus hindering national anti-corruption efforts. Besides, several anti-corruption commissions across the continent, hampered by their lack of autonomy, political interference and limited funding and institutional capacity, are not always in a position to perform their functions in preventing, investigating and prosecuting corruption, as well as educating the public.³³

Advancing human security through social governance

Dialogue and popular participation, poverty alleviation and the provision of social services, media and communication technologies, as well as environmental protection, are the themes identified by the ACDEG to enhance social governance and advance human security. In addition, the Charter calls on state parties to recognize the role women play in development and strengthening of

democracy. Therefore, the necessary conditions must be established for their full and active participation in decision-making processes and structures at all levels (article 29).

Thanks to relentless activism and increasing political will, gender equality has been incorporated into the AU's and most member states' policies. This had a positive impact on the equal access of men and women to leadership and decision-making positions. Rwanda is often cited as an example, where women make up 56.25% of the seats in parliament.³⁴ In Liberia the election of Ellen Johnson-Sirleaf as the first African female President in 2005, and President Joyce Banda's accession to power in Malawi in 2012, are additional beacons of gender equality progress on the continent. However, despite efforts made to challenge their marginalization, women count for only 14.9% of Africa's decision makers.³⁵ In many African countries, both de jure and de facto gender-based discriminations persist in areas like personal status, girls' access to education, violence, namely sexual violence, and harmful practices.

Promoting freedom of expression, particularly freedom of the press, is another means for strengthening social governance. In most African countries, despite the emergence and use of new technologies to promote democratic change, issues of government interference or distrust, poor training of media professionals particularly for investigative journalism, and limited financial capacity continue to hamper the media's effectiveness in ensuring government monitoring. Nevertheless, in an increasingly open political space, African media and particularly privately owned media are playing the critical role of government watchdogs.³⁶ New technologies of communication and information provide alternative sources of information and have been able to uncover and publicize cases of corruption by government officials. Moreover, during the 'Arab Spring', especially in Tunisia and Egypt in early 2011, internet social media such as YouTube, Facebook or Twitter played a key role in mobilizing protesters, mostly the youth, for the 'fourth wave of democratization' that swept away the decades-long regimes of Tunisian President Zine al-Abidine Ben Ali and Egyptian President Hosni Mubarak.

Despite noticeable efforts made since the end of the Cold War, African states' practices have unequally sustained democracy, governance, human rights and the rule of law. Thus, the ACDEG, though sometimes imprecise and limited, is a useful addition to the normative architecture of governance in Africa. How does such utility extend to the charter's implementation and monitoring mechanism?

The Charter's implementation mechanisms: challenges and opportunities

The implementation of the ACDEG rests with three main stakeholders: individual states that commit to the obligations enshrined in the treaty, the regional economic communities (RECs), and the various AU organs involved.

At individual state party level

As a legally binding instrument, the Charter obliges state parties to 'implement the objectives, apply the principles and respect the obligations' to which they voluntarily agreed. It is understood that political will is a necessary condition for the attainment of the goals set forth in the Charter. State parties undertake to submit, every two years, a report to the Commission on measures taken with a view to giving effect to the principles and commitments of the Charter. Beside the Commission, 'the relevant organs of the Union' must also receive a copy of the report, for appropriate action within their respective mandates (article 49).

In view of all the reports AU member states are already committed to submitting under the various international and regional treaties they have ratified, combined with their renowned

lack of compliance with their reporting obligations, this additional commitment raises questions on the capacity of African states to submit specific reports under the ACDEG. Thus, a more rational alternative could have been to link the monitoring of the Charter to the existing APRM Panel, the country review reports of which also assess state parties' efforts in the areas of democracy and political governance, economic governance and management, corporate governance and socio-economic development.³⁷

At regional level

The involvement of the RECs in the implementation of the Charter is envisaged with the establishment, by the Commission, of a framework for collaboration. The obligations imposed on RECs are: to encourage the ratification of the Charter by member states from their respective groupings; and to identify focal points for the co-ordination, evaluation and monitoring of the Charter's implementation to ensure a broad participation particularly by civil society (article 44, para. 2 B). Civil society forums have been established to strengthen the collaboration with ECOWAS and SADC, for example.³⁸ Besides, existing conflict early warning networks, which form part of the sub-regional early warning mechanisms namely in West Africa and in the Horn of Africa, also involve civil society. These structures can be used to disseminate the Charter among civil society, for further ratification and implementation advocacy strategies. However, unlike state parties, the RECs have no legal obligations under the Charter. In addition, ECOWAS and SADC have adopted specific regional frameworks, which cover issues of democracy and elections also addressed by the AU Charter. Thus, the question of their involvement in facilitating the ratification of the ACDEG, as well as assessing countries' implementation of the text, will require stronger commitment and a clearly defined AU-RECs partnership in the areas of democracy, the rule of law, human rights and governance.

At continental level

The Commission is required to assist state parties in implementing the Charter. It is also the main co-ordinating structure for the Charter's realization and it must therefore develop benchmarks for the implementation of the Charter, and to assess state compliance. Other key AU organs expected to play a role in evaluating the Charter's implementation include the Pan-African Parliament, the Peace and Security Council, the African Commission on Human Rights and Peoples' Rights, the African Court of Justice and Human Rights, and the Economic, Social and Cultural Council (article 45). In addition, the Commission is mandated to promote the creation of conditions favourable for democratic governance in Africa, for example by facilitating the harmonization of national laws and policies (article 44, para. 2). Besides considering state party reports on the implementation of the Charter, the Commission reports, through the Executive Council, to the Assembly which takes the appropriate measures aimed at addressing the issues raised in the Commission's report (article 49, para. 3). As previously indicated, the Commission and its chairperson also play a role in co-ordinating the AU electoral assistance and election observation missions, through the Democracy and Electoral Assistance Unit, and the Democracy and Electoral Assistance Fund.

Since the adoption of the ACDEG, initiatives have been taken to strengthen the AU mechanisms for preventing and sanctioning unconstitutional changes of government across the continent. In March 2009, the Peace and Security Council established a committee on sanctions in conformity with article 8(5) of its establishing Protocol, which can assist the Council in the implementation of its mandate.³⁹ The Assembly has encouraged the chairperson of the

Commission to collaborate with the Panel of the Wise and 'other eminent African personalities to diffuse tensions and resolve crises which could lead to unconstitutional changes of government'. Moreover, the Assembly requested that the chairperson of the Commission appoint an independent Rapporteur, mandated to provide the Peace and Security Council and the Commission's chairperson with the information necessary to monitor the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, and respect for the sanctity of human life by member states, as set forth under article 7(m) of the Protocol Relating to the Establishment of the Peace and Security Council.⁴⁰

The human and financial challenges affecting the sustainable and independent functioning of the Commission are seen as an impediment to the execution of its monitoring role.⁴¹ In this context, the initiative of the AU Assembly to set up a Pan-African Architecture on Governance, mandated to build the necessary synergy, co-ordination and harmonization amongst the governance instruments, frameworks and institutions existing at the regional, sub-regional and national levels, is a positive development.⁴² The African Governance Architecture (AGA) designed by the Commission, through its Department of Political Affairs, is 'the overall political and institutional framework for the promotion of democracy, governance and human rights in Africa'.⁴³ The AGA is founded on three main pillars: the norms and vision to which AU member states have collectively and individually committed themselves; an institutional framework involving all regional and sub-regional mechanisms promoting democracy, human rights and good governance across the continent;⁴⁴ and an African Governance Platform, which is a co-ordination mechanism charged with facilitating information flow, exchanges, synergies and joint action amongst the various AU governance institutions and actors. The African Governance Platform will also monitor the compliance and implementation of the major governance instruments and commitments.

On paper, the proposed AGA is a strategic tool with the potential to speed up the entrenchment of democracy, governance and the rule of law in Africa. Conditioned by the commitment of all structures and mechanisms involved, as well as the necessary resources to facilitate the functioning of the governance platform, the AGA will be critical in advancing the ratification and effective implementation of the ACDEG. Mindful of the gap that commonly exists between principles and institutions, and the reality on the ground, the launch of the African Governance Platform in June 2012 in Lusaka, Zambia, was a critical step towards the actual establishment and effective functioning of the AGA.⁴⁵

Conclusion

The ACDEG consecrates, in a legally binding document, AU member states' commitment to the principles of democracy, human rights, governance and respect for the rule of law, and their effective implementation. With the hopes raised by its adoption, the Charter also carries with it the scepticism attached to many of its incomplete and unfocused provisions, delayed ratification and much-awaited implementation. Enduring undemocratic practices, human rights abuses and non-respect for the rule of law and governance principles continue to hamper the sustainable peace, stability and development ever expected across the continent. The recent democratization wave in North Africa, echoed in several sub-Saharan African countries by political claims and social unrest, should serve as a wake-up call for African leaders to heed the demands of African youth and citizens for more ethical leadership, participatory and inclusive societies, and public institutions and services meeting basic social needs. By adopting the Charter and facilitating the establishment of an African Governance Architecture that has the potential

successfully to promote democracy, governance, human rights and the rule of law, AU member states should also display the necessary commitment and political will that can convince both African peoples and the international community that the adoption of the African Charter on Democracy, Elections and Governance is not business as usual.

Notes

- 1 Center for Systemic Peace, *Coups d'Etat, 1946–2010*, www.systemicpeace.org/inscr/CSPCoupsCodebook2010.pdf (accessed 27 August 2011). In 2012, military coups took place in two West African countries, Guinea-Bissau and Mali.
- 2 Transparency International, *Annual Report 2010*, transparency.org/publications/annual_report (accessed 25 August 2011).
- 3 S.M. Makinda and F. Wafula Okumu, *The African Union, Challenges of Globalization, Security and Governance*, Global Institutions series, London and New York: Routledge, 2008, 29.
- 4 Ibid.
- 5 Adopted at the end of the International Conference on Popular Participation in the Recovery and Development Process in Africa held in Arusha, Tanzania, on 12–16 February 1990, www.iss.co.za/uploads/POPULARPPARTCHARTER.PDF (accessed 27 August 2011).
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- 7 Organization of African Unity, *38th Ordinary Session of the Assembly of Heads of State and Government of the OAU: Declarations*, AHG/Decl.1 (XXXVIII), 8 July 2002.
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- 9 UN Economic Commission for Africa, *African Governance Report II, Institutional Checks and Balances*, 2009, 122, www.uneca.org/eca_resources/Publications/books/agr2/index.htm (accessed 26 August 2011).
- 10 S. Radelet, *Emerging Africa, How 17 Countries are Leading the Way*, Washington, DC: Center for Global Development, 2010, 54.
- 11 A useful comparison on this point could be made between the Charter and the 2001 Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, the ‘constitutional convergence principles’ of which include the separation of the executive, legislative and judiciary powers, the empowerment and strengthening of parliaments, and the independence of the judiciary; www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf (accessed 25 August 2011). Also read S.T. Ebobrah, *The African Charter on Democracy, Elections and Governance: A New Dawn for the Enthronement of Legitimate Governance in Africa?*, Open Society Institute Africa Governance Monitoring and Advocacy Project, May 2007, www.afrimap.org/english/images/paper/ACDEG&ECOWAS_Ebobrah.pdf (accessed 25 August 2011).
- 12 See article 7, para. 1.
- 13 See article 10, para. 3.
- 14 UN Economic Commission for Africa, *African Governance Report II, Human Rights and the Rule of Law*, 177.
- 15 See articles 11, 12 and 15 of the Charter.
- 16 See, for example, the Constitution of the Republic of South Africa, 1996, ‘Chapter 9: State Institutions Supporting Constitutional Democracy’, www.info.gov.za/documents/constitution/index.htm (accessed 25 August 2011).
- 17 I. Kane, ‘The Implementation of the African Charter on Democracy, Elections and Governance’, *African Security Review* 17:4 (2008): 47.
- 18 Article 29, para. 3.
- 19 Adopted by the SADC Parliamentary Forum Plenary Assembly, 25 March 2001, Windhoek, Namibia, www.sadepf.org/documents/SADCPF_ElectionNormsStandards.pdf (accessed 25 August 2011).
- 20 UN Economic Commission for Africa, *African Governance Report II, Political Governance*, 32–33.
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- 24 Under the Lomé Declaration, the government that accessed power through unconstitutional means was given six months to restore constitutional order, a period during which it remained suspended from participating in the policy organs of the OAU: www2.ohchr.org/english/law/compilation_democracy/lomedec.htm (accessed 25 August 2011).
- 25 See article 25, para. 2 of the Charter.
- 26 Article 4 (h) of the AU Constitutive Act.
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- 38 Namely the West African Civil Society Forum, which aims to strengthen and institutionalize a relationship between West African civil society and ECOWAS, and the SADC Council of non-governmental organizations (NGOs), established to facilitate citizen engagement with the SADC Secretariat and member states.
- 39 African Union, *Communiqué of the 178th Meeting of the Peace and Security Council*, 13 March 2009, Addis Ababa, Ethiopia, PSC/PR/COMM.3(CLXXVIII).
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- 41 I. Kane, 'The Implementation of the African Charter on Democracy, Elections and Governance'.
- 42 African Union, Decision on the Theme, Date and Venue of the Sixteenth Ordinary Session of the Assembly of the African Union, Assembly/AU/Dec.304(XV), adopted by the 15th Ordinary Session of the Assembly of the Union on 27 July 2010 in Kampala, Uganda.
- 43 'The African Governance Architecture', *African Governance Newsletter* 1:01 (January–March 2011): 8, au.int/en/dp/pa/sites/default/files/African%20Gov%20Newsletter_fin.pdf (accessed 27 August 2011).
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Advisory Board on Corruption, the NEPAD Planning and Coordinating Agency (NEPAD Agency), and the RECs.

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The African Union and a liberal peace agenda to conflict

Elias Omondi Opongo

Introduction

The African Union (AU) is emerging as an important agent in Africa's internal and international relations, particularly on issues of post-conflict reconstruction. However, the challenge for adequate response is immense. In 2011–12 alone Africa witnessed more than eight new conflict situations leading to uprisings, and in some cases armed conflicts. The countries affected include Egypt, Libya, Côte d'Ivoire, Mali, Guinea-Bissau, Equatorial Guinea, Tunisia, Morocco, South Sudan and Senegal. The African Union has made attempts to mediate in several of these conflicts but with minimum success. The 2011 conflicts and other previous conflicts have exposed the fragility of the African states and reiterated the importance of responsible governance and sustainable development.

The normative confusion of what constitutes post-conflict reconstruction is particularly more complicated when one analyses African conflicts. Most of these conflicts oscillate between full-blown, simmering and temporary conflicts, intermittently falling into 'post'-conflict situations. This means that an analysis of the AU response to post-conflict has to be defined within these oscillations. Most African countries that have settled conflicts through peace agreements have relapsed back into conflict. This has been the case in Rwanda, the Democratic Republic of the Congo (DRC), Somalia, Côte d'Ivoire, and Sudan and South Sudan. This raises the question of effectiveness of the existing AU conflict intervention mechanisms and the extent to which they can be improved to attain sustainable peace.

This chapter argues that the AU needs to adopt a different approach to conflict intervention, development and political participation from that which the West has always recommended in the form of liberal peace. The liberal peace approach refers to political processes of post-conflict reconstruction that put emphasis on human rights, democracy, economic liberalization and the rule of law. The post-conflict reconstruction in Africa has often relied on the liberal peace prescription without paying attention to the complexities of the conflict on the ground. The African conflicts, like most conflicts, are complex and have strong ethnic and religious undertones that are often ignored. This chapter further argues that a critique of the liberal peace approach is not enough. It is important to look at the positive aspects of liberal peace and the potential initiatives that could contribute to attaining successful post-conflict reconstruction processes. Political settlements that do not take into account ethnic, regional and religious representation on the one hand, and regionally balanced economic development on the other hand, cannot achieve a sustainable peace.

The discussion in this chapter is divided into three parts. The first part looks at the normative understanding of post-conflict reconstruction. The second section analyses the conceptualization of post-conflict reconstruction within the AU conflict intervention framework. The third part discusses conflict intervention mechanisms, liberal peace perspectives and the debates on the current trends of peace and military interventions in Africa.

Post-conflict reconstruction: a normative discussion

Most African conflicts border between conflict and post-conflict situations. Even when conflicts are considered to be over there is often a high possibility of a relapse to conflict. According to Collier, 'about half of all post-conflict countries relapse into conflict within a decade'.¹ Thus, like many 'post-conflict' situations the normative definition of what constitutes 'post' is a matter of endless debate.² Further, post-conflict reconstruction, like peace-building, has diverse definitional connotations.

Barakat opines that the challenge of reaching an agreeable definition of post-conflict reconstruction lies in the fact that different disciplines and sectors hold diverse definitions:

Political theories of reconstruction tend to emphasize the importance of institution for physical security and stability; economic theories with their belief in the importance of financial security take a more developmental approach; religious or humanitarian theories of reconstruction focus more on people and their capacity to survive, reconcile and forgive.³

Further, in recent years transitional justice mechanisms have incorporated, as part of post-conflict reconstruction, forgiveness, reconciliation and reparation through truth and reconciliation commissions (TRCs) which have subsequently had an impact on political, economic and social reorganization.⁴ These have been reinforced by the international legal regimes, the most recent of which is the International Criminal Court (ICC).

Hence, post-conflict societies are often faced with two main challenges: 'economic recovery and reduction of the risk of a recurring conflict.'⁵ This is primarily because the post-conflict settings are frequently marked by new conflicts or unresolved historical issues, hindsight in peace agreements, new grievances from peace agreements and myriad other challenges.⁶ MacGinty highlights the blind spots in peace processes, such as: high public expectations on the peace dividend; spoiler violence and subsequent insecurity; lack of a good strategy for disarmament; and failure of the political elite to connect with the concerns of the people.⁷

The above perspectives highlight the normative complexity of what 'post-conflict' entails. Post-conflict peace-building has thus to address historical grievances and create a broader space for dialogue and understanding. For example, Côte d'Ivoire, Uganda, Nigeria, Sierra Leone, Sudan (North and South), Burundi, the DRC and Somalia have experienced different periods of military insurgencies, despite official declarations of the end of conflict. These countries have vacillated between conflict and post-conflict situations.

AU conflict intervention mechanisms and post-conflict reconstruction

The founding of the African Union in 2001 through the ratification of the Constitutive Act (CA) opened a new page for the response to African conflicts and underdevelopment. The Constitutive Act of the AU spells out the codified framework that guides the conduct and actions of the organization. The Act was signed on 11 July 2000 in Lomé, Togo. The CA reiterated the AU's responsibility to respond to conflict by underscoring 'the right of the Union

to intervene in a Member State pursuant to a decision of the Assembly in response to grave circumstances, namely war crimes, genocide and crimes against humanity', and 'the right of Member States to request intervention from the Union in order to restore peace and security'.⁸ Related to this, the AU in 2002 agreed to establish a Peace Security Council (PSC) which would operate as 'a standing decision-making organ for the prevention, management and resolution of conflicts', and a 'collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'.⁹ The PSC Protocol in Durban further recommended the formation of the African Standby Force (ASF) within the African Peace and Security Architecture (APSA). These were major steps in responding to the challenge of conflict intervention and transformation of structures that sustain conflicts.

The CA principles were grounded on the concept of the Responsibility to Protect (R2P), which has recently been developed by the United Nations (UN). In the post-Cold War period internal conflicts led to a large number of civilian deaths, prompting global consciousness on *sovereignty as responsibility* to protect citizens from harm.¹⁰ Deng developed the concept of 'sovereignty as responsibility' by underlining the idea that sovereignty entails responsibility towards citizens and the international community.¹¹ The 2004 doctrine of *Responsibility to Protect* put forward by the International Commission on Intervention and State Sovereignty (ICISS) placed a moral obligation on states to stop situations of the gross violation of human rights.¹² Since then there have been initiatives to articulate the moral imperative to bring state sovereignty to accountability.

In May 2004, the AU, in line with the Constitutive Act principles, officially launched its new PSC, which aimed to address conflicts regionally. The PSC Protocol defines the PSC as 'a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'.¹³ This Protocol allows for intervention in conflicts before they escalate into a crisis. The Continental Early Warning System (CEWS) is the body charged with the responsibility of defining methodological processes to intervention. However, Wane *et al.* observe that the challenge for CEWS is to work out a mechanism that will respond to the diverse conflicts in Africa.¹⁴ In response to potential conflicts, the 'PSC assesses a potential crisis situation, sends fact-finding missions to trouble spots and is empowered to authorise and legitimise the AU's intervention in internal crisis situations'.¹⁵ To implement the recommendations of the PSC for conflict intervention, the AU has proposed the establishment of the ASF.

The ASF is composed of five regional brigades from southern, eastern, central, western and northern parts of the continent. The idea is to have standby forces that are regionally located to respond to peace and security needs as they emerge. In support of the PSC and CEWS, the AU has established the Panel of the Wise, the role of which is to undertake diplomatic interventions in potential conflicts before they erupt. One of the most recent successful interventions of the Panel of the Wise was in the post-election violence in Kenya. While there was a combination of factors that led to the success of this process, the AU intervention through the leadership of Kofi Annan, the former UN Secretary-General, was important for the support of the peace process in Kenya. Articles 3 and 4 of the Constitutive Act uphold democratic principles by emphasizing the recognition of elected government and the rejection of unconstitutional changes of governments.

In order to attain the above initiatives, the AU recognizes the fact that it is important to achieve political stability in order for peace, security and democracy to thrive. Alongside this is the protection of human rights following the guidelines enshrined in the African Charter on Peoples' and Human Rights. The 2000 Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) underscored that AU member states ought to acknowledge that 'democracy, good governance, respect for human and peoples' rights and the rule of law are pre-requisites for the security, stability and development of the continent'.¹⁶ This

conference emphasized the liberal peace principles that have been espoused by the AU in its approach to addressing conflict and post-conflict situations in Africa.

Similarly, the peace package adopted in post-conflict situations has often been based on the institution of democracy through popular elections, the liberalization of economic markets as a way of attracting foreign investors, the reiteration on the rule of law through policing and use of military, and public discourse on human rights observance. This peace package mainly falls under the Western agenda of liberal peace.

The liberal peace agenda and the AU approach to conflict intervention

Liberal peace conceptualization

Liberal peace is viewed as a political and military process of promoting human rights, liberalized economies, the rule of law and democracy.¹⁷ It is, however, important to note that the proponents of liberal peace do not refer to the practice of post-conflict peace-building as *liberal peace*. In essence, the term *liberal peace* is more of a conceptual description than a normative consensus by the practitioners of post-conflict peace-building. The term captures the *liberal* perspectives of the post-conflict peace activities as promoting neo-liberal ideals of democracy, human rights, liberalized economies and the rule of law.

Richmond and Franks¹⁸ assert that the primary objective of liberal peace is to ensure ‘a self-sustaining peace within domestic, regional and international settings, in which both overt and structural violence are removed’, while social, economic and political models are eschewed to conform to international liberalism.¹⁹ In this perspective, liberal peace aims at promoting four kinds of peace:²⁰ *victor's peace* based on a realist viewpoint that peace is achieved through military victory; *institutional peace* which commits states to multilateral legal norms that bind their actions and behaviour; *constitutional peace* developed from liberal Kantian argument that peace is achieved through democracy, free trade and a composite of cosmopolitan values enshrined in the notion that individuals ought to be seen as an end in themselves, and not a means to an end; and *civil peace* which focuses on the defence of human rights, advocacy, mobilization and participation of civil society in global governance.

A number of authors have criticized the liberal peace approach to post-conflict reconstruction.²¹ The main points of contention by the critics of liberal peace have been that the above peace-building approach reflects an extension of the Western hegemonic powers over developing nations; executes a top-down approach that does not take into consideration local processes of peace; undermines local initiatives for peace to fit the political agenda of Western nations; limits peace-building processes to state-building by promoting democracy, liberalized economies and the rule of law; and subsumes the human security concept to the agenda of securitization of the human existence at development, peace-building and state-building levels. These elaborations point to the fact that liberal peace has become the defining framework for what should constitute post-conflict reconstruction.²² The elaborations also denote the different expressions and understanding of the diverse interpretations of liberal peace.

AU and a liberal peace approach to conflict intervention

The AU, as already stated above, has mainly relied on a liberal peace approach to conflict intervention. There are three main areas in which the AU has directly or indirectly adopted the principles of liberal peace: military interventions, democratization processes, and economic liberalization.

Military interventions

Military interventions as a means of post-conflict reconstruction have contributed to some stability in supporting peace processes in Africa. However, such initiatives have been very fragile. Among the first AU initiative in post-conflict peace-keeping was in Burundi in 2003. The peace operation was known as the African Union Mission in Burundi (AMIB), and was mainly composed of 3,000 troops from South Africa, Ethiopia and Mozambique whose primary objective was to monitor the peace process and ensure security within the country.²³ In 2003, the escalation of the conflict in Liberia between supporters of the then President Charles Taylor and rebels opposing his rule resulted in the deployment of Economic Community of West African States (ECOWAS) forces led by Nigeria and supported by the USA. In collaboration with the UN, the then Nigerian President Olusegun Obasanjo lobbied AU leaders in diplomatic efforts that persuaded Liberian President Charles Taylor to leave office and take the exile offer in Nigeria. The UN Mission in Liberia (UNMIL) took over the peace-keeping operations in September 2003 and in November 2005 Liberia elected Ellen Johnson-Sirleaf as President.

The African Union Mission in Somalia (AMISOM) is perhaps one of the most successful military interventions in recent years. AMISOM mainly comprised troops from Kenya, Uganda, Djibouti and Ethiopia and was able to neutralize the terrorist activities of al-Shabaab. However, this has come with a price. Kenya has been most hit with persistent grenade attacks in different parts of the country, leading to injuries and deaths of innocent civilians. The apparent defeat of al-Shabaab does not offer a long-term solution to the political instability of Somalia.

The AU has also deployed peace-keeping troops in the Darfur and Abyei regions in Sudan as part of monitoring the security and peace processes in these regions. Besides collaborating with the UN, the AU has worked with the sub-regional bodies in initiatives towards conflict intervention. Such bodies include ECOWAS, the Inter-Governmental Authority on Development (IGAD), the Southern African Development Community (SADC), the Economic Community of Central African States (ECASS) and the Arab Maghreb Union (AMU).

Military interventions have not guaranteed peace in most African conflicts. Peace has continued to be elusive in Somalia, Burundi, the DRC and Côte d'Ivoire despite militarized peace-building. Militarized peace-building has been adopted as a means of state-building, yet it ignores the fundamental values of diplomatic negotiations and inclusive approach to governance and nation building. Besides, military interventions are expensive to maintain. For example, the UN peace-keeping operations in the DRC cost 'nearly [US]\$1.4 billion a year, currently absorbing one-sixth of the UN peacekeeping budget'.²⁴ The initial ECOWAS six-month troop deployment in Côte d'Ivoire in 2009 had a provisional budget of €16,688,763 million.²⁵ For effective monitoring of the cease-fire for six months ECOWAS would have had to increase the troops from 2,009 to 3,205, and raise an additional €26,623,935 million.²⁶ Hence military interventions are not sustainable. It is therefore important to explore alternative mechanisms of conflict intervention in ensuring political and military stability in Africa.

Democracy: the preferred mode of governance in Africa?

The AU upholds democracy as the preferred system of governance without undertaking a thorough evaluation of the performance of democracies in Africa. The post-conflict (and post-peace agreement) periods have been followed by 'democratic' elections within fragile conditions of national cohesion. This has been the case in Angola, Burundi, Mozambique, Rwanda, Uganda, Côte d'Ivoire, Sierra Leone and Liberia. Among these, Mozambique stands out as the most stable. The other countries have been faced with different insurgencies before the situation

could stabilize. This raises the question on whether post-conflict states should rush into holding elections before the questions of security and national cohesion can be addressed.

However, it is important to note that the fact that democracy has failed in a number of African countries does not mean that the continent should do away with it all together. There have been positive gains since the dawn of democracy in the 1990s. The concern I am raising here is the assumption in AU policies that democracy is the only system of governance that ought to be adopted by African countries.

The pursuit of democratic values has to take into account the fact that the post-independence period in most African countries was characterized by identity politics in competition for the national cake. Identity politics is based on the principle that identity, whether individual or collective, 'would be central to both the vision and practice of radical politics'.²⁷ This view holds that political practice should fundamentally be focused on identity. Identity politics can be emancipatory through social movement groups that call for the rights of the marginalized, minorities or oppressed groups. However, it can also be alienating especially when it focuses on perpetuating the interests of a specific group at the expense of the rest of the population. The colonial and post-independence Africa enforced the second aspect of alienation of identities for the interest of those in power.

In most cases, successive governments in post-independence Africa have linked political support to respective ethnic groups rather than promoting national consciousness. Subsequently, there have been regional, ethnic and religious divisions leading to politicization of the ethnic identities. This depicts Kanyinga's description of most African states as places where, 'politics is ethnicized and ethnicity is politicized'.²⁸ Ethnic identity, as Mafege articulates, is often dormant until threatened or brought into the struggle for power and control.²⁹ General elections have become a very competitive and violent affair in a number of African countries. A recent phenomenon where incumbent presidents refused to relinquish power in situations of perceived defeat in presidential elections have led to conflicts in Kenya, Zimbabwe and Côte d'Ivoire.

Political and economic marginalization are some of the major causes of conflicts in Africa. Frances Stewart³⁰ in her book *Horizontal Inequalities* observes that: 'The incidence of violent conflict among poor countries is high—seven out of ten of the poorest countries in the world are undergoing or have recently experienced some sort of civil war. These conflicts involve very heavy costs.' Economic marginalization of particular groups often lead to discontent and subsequent revolt and violence. Stewart³¹ further observes that: 'Political inclusion of minority groups is necessary to avoid the monopolization of political power by one ethnic group or another.' Hence, involving different ethnic, religious and cultural groups in political organization of the society is crucial. In other words, where distribution of economic, political, cultural and religious resources is fair, and the various identities are acknowledged and respected, there is low likelihood of ethnic violence. The challenge does not lie in the fact of having multi-ethnic identities, but rather on the accommodation of the heterogeneity through management and economic distribution of common resources.

The above situations of political instability have further raised the question of how to maintain political stability in the African continent. Currently there are more than 22 conflicts in Africa, most of which are a result of poor governance, regional and ethnic marginalization, and unfair distribution of economic resources. In late December 2012 an International African Union conference in Dakar³² resolved to put into action its earlier resolution of five years before to establish a standby force to respond to situations of insecurity and political instability. This has been precipitated by the increasing situations of militantism against governments, political instability or *coups d'état*. Of particular concern is the growing number of Islamist terrorist groups like al-Shabaab in Somalia, Boko Haram in Nigeria and secessionist Islamist militants in northern Mali.

Unfortunately, the AU has adopted the same liberal peace approach that relies on militarization and state-building in conflict intervention processes. There has been no proposal to date to negotiate with al-Shabaab in finding a sustainable solution to the Somalia conflict. For example, the AU spokesman and Head of Public Information Unit Eloi Yao asserted that: 'Efforts are being focused on national stability plans and establishment of local administrations in liberated areas.'³² The spokesman for Kenya Defence Forces (KDF), Cyrus Oguna, asserted that the defeat of al-Shabaab in Somalia can only be fully realized by a process of ideological realignment of the citizens through provision of the basic needs, as well as training of the national army and police to take over from the AMISOM forces. It is, however, important to note that from the experience in Iraq, the military agenda may not always augur well with the state-building agenda and the demands of the citizens.

A military solution aimed at 'defeating' the militants has not worked in Afghanistan and Iraq, where Western nations have spent money and resources for more than 10 years. Failure to bring the militants on board in dialogue has led to failed interventions in Iraq and Afghanistan. In fact, Iraq is today much more of a dysfunctional state than before the intervention. This has mainly been due to the fact that in its state-building approach, the US-led intervention has stripped Iraq 'of its ruling elite, regime, and security sector ... without the provision of adequate replacements'.³³ Attempts at state-building have also meant that Iraq has been proposed a leadership structure without 'an effective *and* legitimate authority, namely, one that is acceptable to its major communities'.³⁴

The AU's militarization and state-building is further reinforced by US military support. In early 2013 the USA established a special military unit that would train troops in 35 Africa countries. The special unit focused its operations on 'Libya, Sudan, Algeria and Niger in order to prepare for any advances from al-Qaeda linked groups. Americans will also train and equip forces in Kenya and Somalia, reportedly, in order to stand up to al-Shabaab militants.'³⁵ Given the military and economic power of the USA, the targeted African governments will definitely give in to the US military agenda.

The big challenge for the AU conflict intervention approach is to establish a comprehensive mechanism that will take into account the complexities of the current conflicts; the involvement of the local people, protagonists and antagonists; the institution of economic structures that can facilitate fair distribution of economic resources; the integration of former combatants; and strategies of arms control and regional security. A straitjacketed liberal peace approach to these complex situations will not offer a lasting solution to the African conflicts. Hence, while the liberal peace approach to nation building is a noble task, the strategy it takes is crucial to its success or failure.

Conclusion

The recent conflicts in Africa have posed the dual challenge of conflict prevention and post-conflict reconstruction. The AU has already intervened in several conflicts and supported post-conflict reconstruction processes, albeit at limited levels. The mechanisms for post-conflict reconstructions have relied on policy development in line with liberal peace. A different approach to militarization and state-building ought to be considered as a measure of stabilizing the African continent. The principles streamlined by the AU based on democracy, human rights and economic liberalization continue to perpetuate the same system of governance that does not seem to work in most African countries. The emphasis should shift to systems of governance that take into account the complexities of the African conflicts and the importance of regional and ethnic representation.

While still in its nascent stage, the PSC demonstrates the continent's commitment to address conflicts through the application of early warning mechanisms before these conflicts can escalate into full-blown catastrophes. The challenge lies in the manner in which the early warning mechanisms are undertaken; the indicators that are used to justify interventions; the decision-making processes before interventions; and the resultant impact on international relations between countries. However, 'early warning' should not be limited to indicators that have high probability of degenerating into conflict in the immediate future, but also on indicators of deprivation of basic needs that could in the long run lead to conflict. Hence, the bigger challenge lies in the long-term preventive measures through institutional and structural reforms within African states, as a means of ensuring good governance, fair distribution of national wealth and participation in social organization. The African Union therefore has the challenge of re-examining the existing challenges and developing policies that can best respond to the complex and internecine conflicts.

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Where global meets local

The politics of Africa's emergent gender equality regime

Toni Hastrup

Introduction

In 2010, African leaders declared 2010–20 the ‘African Women’s Decade: Grassroots Approach to Gender Equality and Women’s Empowerment’, with the commitment to promote women’s rights and gender equality within African states. Taken together with the African Union’s 2004 Solemn Declaration on Gender Equality in Africa,¹ there is the clear sense that gender equality is integral to Africa’s regional and international politics. This singular declaration is important to understanding the evolution of how Africa understands gender—that is, the social construction of the roles and relations of and between male and females,² and consequently the prospects for equality on the continent. Legally binding on all African Union (AU) member states, the Solemn Declaration also commits the AU internationally to observing and promoting established norms of gender equality within the global political arena.

The Solemn Declaration is the first concise policy instrument for implementing gender equality in Africa. It provides a regulatory framework for implementing gender equality policies through mainstreaming.³ An important innovation, it views gender equality as a continental goal and is therefore managed by the AU. From the perspective of regional integration, this declaration potentially serves as a tool for further integration in the continent’s human rights outlook especially. The Solemn Declaration, however, is neither the first, nor is it the last instrument intended to promote gender equality on the continent. Rather, it is the bridge between previous instruments, including the Protocol to the African Charters on Human and People’s Rights on the Rights of Women in Africa (2003) and the Gender is My Agenda Campaign (2007). Together, these instruments contributed to the Action Plan for the Solemn Declaration and the AU Gender Policy of 2008. In declaring the African Women’s decade (2010–20), the AU intends to make significant progress toward complete gender equality.⁴ Negotiating the Solemn Declaration, in particular, the result of a consultative process of actors working in the area of gender and development, fostered democratic participation amongst policy makers at national, regional and global levels, and civil society actors.

This chapter discusses the emergent gender regime in Africa. A strong ‘women’s rights as human rights’ discourse supports this international regime. Consequently, the AU’s gender equality aims fall within a broader human rights regime. The chapter contends that the gender

intervention offered by African institutions and governments remains restricted to specific issues such as maternal health, including lowering mortality rates and the levels of mother-to-child HIV/AIDS transmissions, as well as peace and security due to a specific conception of gender equality in Africa. This chapter concludes with the argument that while the global influence is influential within Africa, local forces influence the emergent African gender regime, and this has implications for the adoption and absorption process of gender equality norms. To understand the development of gender equality as an objective of Africa's regional integration, we need to historicize the contemporary situation in the global and local contexts.⁵

Historical and institutional developments of the gender equality regime in Africa

The desire for gender equality is now ingrained in the fabric of Africa's new drive towards greater regional integration. It is a founding principle of the AU as articulated in Article 4(l) of the Constitutive Act.⁶ To distinguish itself from the previous Organization for African Unity (OAU), the AU is motivated by the promotion of human rights, including women's human rights, especially in the context of peace and security, the engagement of civil society and the promotion of democratic principles for socio-economic development.

The resurgent attention given to gender equality through binding legal and institutional frameworks constitutes the ongoing institutionalization of gender equality norms within Africa. These frameworks further constitute an international regime in Africa. International regime in this instance denotes 'implicit or explicit principles, norms rules and decision making procedures, around which actors' expectations converge in a given area of international relations'.⁷ Further, international regimes are '... specialized arrangements that pertain to well-defined activities ... or geographic areas and often involve only some subset of members of international society'.⁸ The emergent regime of gender equality in Africa, although found within the regional integration processes formalized in the AU, has its roots in international and historical context.

In 1946, the United Nations (UN) established the Division for the Advancement of Women to empower women and promote gender equality. Subsequently, the UN adopted the 1948 Universal Declaration on Human Rights, which emphasizes freedom and equality for all peoples regardless of gender. These two early events brought the quest for gender equality to the forefront of international politics and the integration of gender concerns into the global governance structures.

However, these early frameworks were only minimally effective until the 1975 First World Conference on Women in Mexico City. This international conference highlighted the importance of raising awareness about gender equality and creating forums to address actively the imbalances on a long-term basis. Essentially, one year was not enough to deal with the challenges to gender equality. Members of civil society and women's advocacy groups (including those from Africa) helped to shape the message of the conference beyond the meeting.⁹ The result of this first conference was a resolution for subsequent conferences where UN member states could promote and reflect on avenues taken to improve gender equality in intervening years. Thus far these conferences—four in all—have held to establish the 'legal, economic, social and political dimensions of the role of women'. Although we know more about it, gender inequality remains an ongoing challenge globally.

The creation of a dedicated institutional organ in 1976, the United Nations Fund for Women (UNIFEM) has furthered the goal of putting gender equality on the agenda at global and local levels. UNIFEM, in its current incarnation—the United Nations Entity for Gender Equality and Empowerment of Women (UN Women)—serves as a clearinghouse for gender initiatives, proposing, implementing and policing commitments to gender equality globally. It

also provides technical and financial assistance to support women's rights, political participation, empowerment and equality all over the world.

UN Women participates in dedicated partnerships with regional organizations, including the AU, where it has established a liaison office since 2008. A memorandum of understanding (MoU), first established in 2005, governs UN Women's partnership with the AU through the Women and Gender Directorate. A main success of the collaboration is the establishment of a full AU Gender Policy,¹⁰ with the purpose of outlining a five-year gender mainstreaming strategic plan for the AU.¹¹ Additionally, UN Women supports the publication of a quarterly newsletter on gender equality progress within the AU.¹²

There is a regional element, which is irremovable from the global when trying to understand gender equality interventions in Africa. At the local level (including regional and national commitments), African countries have attempted to address the challenges of gender inequality. Initially, the OAU established the Women's Division within the Community Affairs Department with the aim of mainstreaming gender into the organization. However, the division lacked the backing of a legal framework, a budget and human resources, suggesting that gender equality was not a priority for the regional body in the first instance.

In 1998, however, together the OAU and Economic Commission for Africa (ECA) established the African Women's Committee on Peace and Development. This committee advised the OAU and ECA on issues related to African women's roles in peace and development. Despite the role of the OAU in the formation of this committee, the majority of its work was outside the regional institution and more with civil society organizations. Arguably, then, gender was much more decentralized, failing to achieve the aims of mainstreaming and the regional integration of gender equality norms.

Thus far, the women's committee's most important role has been the lobby for more gender-sensitive regional organizations especially in the formation of the AU. The inclusion of the promotion of gender equality in the Constitutive Act is a victory of the committee, which also indicates the internalization of international commitments on gender equality. The fact that the Constitutive Act is legally binding on all member states means that there is an opportunity to drive forward the gender equality agenda at all levels, including global, continental and national.

Currently, the task to promote and indeed implement gender equality falls to the AU Commission—in particular, the Women and Gender Development Directorate. The Directorate was created in 2000 within the office of the chairperson of the AU to integrate, support implementation and develop mechanisms to mainstream gender awareness into 'all AU Organs, Regional Economic Communities (RECs) and Member States'.¹³ The RECs, which represent Africa's sub-regions, all have dedicated Gender Units, including declarations and tools for gender audits and mainstreaming.

However, funding inhibits the use of these tools and implementation of strategies. A recent report commissioned by the AU notes that despite the 70% rate at which its member states have gender policies, few have implemented any.¹⁴ AU protocols of promoting gender equality require annual progress reports on the implementation of the Solemn Declaration and goal 3 of the Millennium Development Goals (MDGs), on gender equality. Yet, only a few countries submit reports and often there is no evidence that the Summit of Heads of States, which receives these reports each January, prioritizes gender equality in its other discussions and subsequent actions.

It is against this backdrop that we observe the emergent regime. The formulation of the AU Gender Policy has further established the main strategy for implementing the Solemn Declaration. It outlines the *methods* through which the AU will seek to achieve equality on the continent. It is very specific and not overly ambitious in the AU's plans. Its first success is the declaration of the Women's Decade beginning in 2010. Further, the Gender Policy proposes to tackle

the lack of political will among leaders through the formation and function of the Executive Management. Further, it allocates specific roles to institutional and civil society actors at the regional, sub-regional and national levels. An innovative element of this policy is that it considers the international relations dimension of gender equality in Africa. It does this by including a role for external partners to facilitate the exchange of best practice knowledge, and lend technical expertise to support the institutionalization process of gender mainstreaming in Africa.

In addition to the specific African institutional and legal frameworks, many African states are signatories to the landmark Convention for the Elimination of Discrimination against Women (CEDAW), which supports gender initiatives globally. The adoption of and commitment to the MDGs (particularly goals 3, 4 and 5) indicate the African commitment to gender equality norms established at the global level. Achieving gender equality is understood to have direct positive effects on social, economic and political processes in Africa's regional development. Membership in CEDAW and commitment to the MDGs could ensure that promoting gender equality remains a priority of regional and national policy making.

Normative inspiration for the gender equality regime in Africa

The progress made in Africa towards gender equality has often emerged within a human rights and development discourse, which sees gender equality as a consequence of ensuring women's human rights in view of their economic contributions to development. This approach to gender equality has emerged due to societal constraints in the African context. Yet, feminist discourses have undoubtedly influenced the gender equality strategies being promoted for institutional change, in particular gender mainstreaming. Gender mainstreaming is 'the promotion of gender equality through its systematic integration into all systems and structures, into all policies, processes and procedures, into the organisation and its culture, into ways of seeing and doing'.¹⁵ Gender mainstreaming as a strategy for gender equality has gained momentum following the Beijing conference and one of its central aims is to bring women into decision making at all levels. This approach would then ensure that the decisions being made consider the impact on both men and women equally.

Feminism, as an approach to International Relations, has made a substantive contribution to the scholarly understanding and practice of gender equality, particularly gender mainstreaming. Yet, feminism is often rejected in African policy circles as a purveyor of gender equality in favour of the human rights and development approach. Susan Ardnt observes that there is widespread anti-feminism in Africa (at the expense of persistent patriarchy). Further, while some have sympathy for the feminist position, Ardnt notes that they are uncomfortable with what is deemed a Western idea.¹⁶

Nevertheless, a breed of feminism exists that accepts the critique of so-called Western feminism, and lends itself to the human rights and discourse on gender inequality in Africa. Broadly termed *Development* or *Third World* feminism, it underpins many of the new norms of gender equality on the African continent.¹⁷ This feminism analyses the global political economy of post-colonial state through gender lenses. The main theoretical contribution of this brand of feminism is the equation of 'women's status with control of economic resources'.¹⁸

We can trace back this human rights discourse on women's roles and gender equality in contemporary African politics to the human rights provisions within the Constitutive Act of the African Union. The binding nature of the Constitutive Act has resulted in more action on women's roles in the past decade than the OAU ever made in the 39 years of its existence. This new regional dimension to the global rights perspective is found within specific African declarations such as the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.¹⁹

The explicit adoption of the human rights discourse on gender equality rather than the so-called Western feminism to an extent dictates the *type* of gender issues addressed. Rather, gender equality in the African context focuses on the issue of equal representation of men and women to bolster democratic governance. One example of this is in the AU Commission, where 50% of the commissioners are women. Further, the chairperson of the AU was a woman at time of writing.²⁰ The AU often presents this ratio as an example of its leadership within the emergent African regime on gender equality, although the Gender Audit conducted of the Commission suggests that AU managers need to do more on achieving gender equality targets within the institution and on the continent.²¹

Yet, the development of the gender regime in Africa through legislation and policy frameworks also reflects an understanding of inequalities that emphasize race, and relations of power and domination. Gender equality thus includes the empowerment of women, the eradication of domestic violence, and the equal social, economic and political development of men and women. Thus, although constantly couched in the language of rights,²² the feminist influence, including development feminism, on gender equality is re-emphasized.

Heidi Hudson describes this as African feminisms, a non-Western, post-colonial approach to feminism.²³ African feminisms acknowledge the influence of broader conceptions of feminism, especially in the discourse around gender equality. However, African feminism stands apart in acknowledging that the intersection between gender, race, power and domination creates contests not easily resolved by proscriptions in international, 'Western' feminism. Essentially, African feminisms acknowledge the difficulty in reconciling 'strategic gender needs that are feminist in nature', with 'practical or tactical women's needs grounded in women's everyday experiences'.²⁴

Here we see the limits of gender equality when so-called Western feminism is rejected. For example, whereas reproductive rights of women such as accessible birth control including abortion, or promoting the rights of lesbian, gay, bisexual and transsexual (LGBT) individuals, have been on the international feminism agenda for many decades, they are hardly acknowledged within Africa's emergent gender regime. Rather, African feminisms suggests that interventions towards gender equality ought to contextualize culture, acknowledge the centrality of the family and the importance (or necessity) of co-operation with men, all of which inhibit a universal feminism and dictate the choice of issues considered within the gender regime.²⁵

Whatever the normative influence for promoting gender equality, African institutions, including countries, sub-regional organizations and particularly the AU, have embraced gender mainstreaming as the method through which to achieve gender equality. The framing of gender equality in the AU has especially lent itself to efforts promoting gender equality within peace and security structures on the continent as well as highlighting the importance of maternal health for social economic development on the continent.

Africa has been a main venue for observing how gendered relations²⁶ impact on peace and security. In this context, scholars have observed how men and women are affected differently during war, peace support operations and post-conflict reconstruction. For example, while the mainstream discourse on peace support operations portrays peace-keepers who are mostly men as 'saviours', there is growing evidence of the rape and exploitation of vulnerable women and girls.²⁷ Further, there is also empirical evidence that women benefit less from the impact of peace support operations within post-conflict environments.²⁸ This consideration of gender and international security functions within a new paradigm of security: human security.

Human security goes beyond traditional conceptions of security as it considers harm perpetrated on the individual or groups of individuals rather than the state. Thus, it moves beyond a focus for military interventions to secure the state. While the concept of human security is

contested,²⁹ it functions as the guiding security paradigm of the AU and the RECs in Africa. Further, peace support operations undertaken on the continent assume this approach to security. It is unsurprising, then, that on a conceptual level gender is a dimension of new security concerns in Africa.

The link between gender and security in Africa is based on two core challenges. First, there is the limited participation of women at the operational, especially decision-making, levels of peace-making. The second challenge is the gendered nature of violence—specifically sexual violence against women and girls, especially, but also men too—during the conflict cycle.³⁰ During the conflicts in Darfur, the Sudan and in the Democratic Republic of the Congo rape was systematically used as a weapon of war in order to humiliate and to disrupt the social cohesion of the victim communities.³¹

To mitigate conditions under which these atrocities occur, the AU seeks to mainstream gender awareness into the new African Peace and Security Architecture (APSA).³² One of the tasks of mainstreaming is the widening of police and civil society participation during peace support operations so that they are more responsive to the civilian population and especially women's needs. Further objectives include the increased participation of women within the military establishment in the hopes that this would lead to greater gender sensitivity within the military itself, as in responding to a crisis within the host society.

At the global level, the UN supports the AU's objectives through its own rules. Thus, the Gender Directorate seeks to adapt UN Resolution 1325, which requires a gender perspective in the negotiation of peace agreements.³³ An important milestone for gender equality, it acknowledges the disproportionate impact of insecurity on women as well as their contributions to the ultimate aim of international peace. Reliance on this UN provision and the use of instruments at the continental and local levels reinforces the linkages between the three levels that influence Africa's emergent gender regime.

Gender mainstreaming in health 'means that gender should be considered at every stage of health planning and provision, rather than being considered as an afterthought or in separate "women-centred projects"'.³⁴ It is in this context that the Solemn Declaration identifies 'health' as a cluster through which gender equality can be implemented. The Africa Health Strategy and the Continental Policy Framework on Sexual Reproductive Health further identify the need to reduce the maternal mortality rate caused by disease.³⁵ As African countries struggle to achieve goals 3, 4 and 5 of the MDGs, the AU and indeed national governments have prioritized maternal health.

Maternal health refers to efforts targeting the reduction of maternal morbidity and mortality, including infant death. According to the World Health Organization (WHO), 'sub-Saharan Africa and South Asia accounted for 87%'³⁶ of maternal deaths in 2008. In Africa, the likelihood of dying during pregnancy or delivery is 1/15 compared to 1/1895 in Europe.³⁷ The AU has therefore identified the specific conditions that inhibit maternal health and strategies to combat them while enhancing women's empowerment and gender equality.

With 85% of all maternal deaths a result of complications arising during pregnancy and delivery³⁸ and deaths due to HIV/AIDS infection rates among pregnant women, the AU advocates for legislation to eliminate harmful traditional practices such as female genital mutilation, which lead to complicated births and even death.³⁹ Further, the AU has called for the institutionalization of gender concerns into wider reproductive health programmes such as ensuring that national governments prevent deaths due to unsafe abortions (although it stops short of calling for abortion as a method of family planning or birth control)⁴⁰ and providing adequate access to health care. On this issue, the AU further declares the 'right of women to manage their own health' within the Health Strategy, thus exemplifying the mainstreaming of

gender within a broader health policy provision. In 2009, the AU launched the Campaign on Accelerated Reduction of Maternal Mortality in Africa. As of 2011, the 23 countries have begun to adapt this campaign into their national ministries. The enactment of maternal health policies further supports the claim of an emergent gender regime.

Despite the achievement of norms and rules to tackle gender inequality and mainstream gender 'high politics' policy areas like peace and security, fundamental challenges remain to *implementing* gender mainstreaming within the African political life. There are challenges to mainstreaming in the AU itself at the continental level, which also pose challenges for diffusing gender equality to sub-regional and national levels.

Conclusion

International feminist analyses of institutional frameworks have highlighted some of the challenges confronting the AU as it seeks to establish the gender equality regime on the continent. While there has been progress in enabling women's participation in the AU Commission, for example, men dominate the Assembly of Heads of States and the Executive Council, the main decision-making bodies in the institution. The continent now has two female heads of state,⁴¹ and a female chairperson, but very few foreign ministers are women. This situation makes it difficult to implement gender mainstreaming in decision-making structures. Further, unlike the European Commission, which has the power to impose certain equality rules through directives, the AU Commission has no such supranational powers and must rely on grassroots changes. Achieving gender mainstreaming on the continent requires proactive decisions within member states that allow women to participate fully in decision-making processes. The absence of women in leadership roles calls into question the ability of the AU to implement the objectives of the next decade. Additionally, efforts to address gender inequality often focus on programmes that include without addressing the power dynamics, or the gendered nature of the institution that inhibit participation and broader mainstreaming efforts.

National ministries further grade gender mainstreaming at a lower level of priority. There is the perception that the quest for gender equality is 'foreign' and that women's empowerment through gender equality results in the exclusion of men from political and social participation.⁴² This illustrates a misunderstanding of what gender mainstreaming ought to do within the government and African communities. Officials downgrade gender when they perceive that it is competing with a main policy objective. For example, as the AU seeks to operationalize the African Standby Force, the focus is on getting the troops battle ready, making gender become a secondary consideration if at all.

In those cases where there is progress at the national and sub-regional levels, in particular, African organs have been criticized for non-engagement of civil society, especially national women's groups. These groups tend to have a voice at the global multilateral platform, than at the regional levels, as they use their transnational networks to air grievances and share knowledge. The result of this is that there is a growing top-down approach as opposed to a grassroots approach to gender equality in the African context. While the global context has contributed to the non-discrimination and equality agenda in Africa, the top-down approach potentially undermines local knowledge, removes local context and deprives local ownership of the processes of equality.

Practical challenges to mainstreaming gender institutionally are compounded by the fact that gender machineries are often understaffed and under-resourced. To be sure, Africa does not lack the expertise to implement the legal and institutional. However, African ministries and departments within regional institutions often operate within a tight budget. These financial constraints exacerbate the level of priority accorded gender issues and inhibit the implementation

of rules and norms. Nevertheless, there is the sense among many activists that the election of a female chairperson to head the AU, particularly one who has enjoyed prominence in women's movements in South Africa, will change the tide over the next decade. This will then firmly establish a gender regime in Africa.

This chapter has argued that there is an emergent gender regime within Africa's regional integration process. This regime relies on norms and rules that provide overarching frameworks influenced by three levels of engagement: global (international), continental (regional) and local (sub-regional/national). While the global-level engagement has led the discourse on gender (in)equality and implementation strategies, the regime is being shaped in a particular African flavour. Yet, although it is widely acknowledged that Africa needs this regime, its impact on achieving real equality is still pending. The ongoing Women's Decade and the election of Dr Dlamini-Zuma, a women's rights activist, to the position of chairperson makes the continued assessment of gender equality practices on the continent an important and timely pursuit for understanding gender integration into the processes of regionalization within Africa.

Notes

- 1 *Solemn Declaration* henceforth; African Union, *Solemn Declaration on Gender Equality in Africa*, 2004.
- 2 E. Alaga, 'Gender and Security Policy in West Africa', Working Paper, Abuja: Freidrich-Ebert Stiftung Regional Office, 2011.
- 3 The concept of gender mainstreaming is explored later in the chapter.
- 4 Gender equality refers to the equal consideration of male and female experiences, interests, needs and contributions within society.
- 5 This historicization of gender in global governance structures is promoted by S.M. Rai and G. Waylen (eds), *Global Governance: Feminist Perspectives*, Basingstoke: Palgrave Macmillan, 2008.
- 6 Organization for African Unity, 'The Constitutive Act of the African Union', 2000.
- 7 S. Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', *International Organization* 36:2 (1982): 185.
- 8 O.R. Young, *International Cooperation: Building Regimes for Natural Resources and the Environment*, Ithaca, NY: Cornell University Press, 1989, 13.
- 9 The message of the conferences has influenced the UN, the World Bank, the European Union and the AU, to name a few.
- 10 African Union, *Gender Policy*, Addis Ababa: AU, 2009.
- 11 United National Development Fund for Women, *Evaluation Report: UNIFEM's Partnership with Regional Organizations to Advance Gender Equality*, New York: Evaluation Unit, 2009, 128.
- 12 The AU published the first issue of *Walking the Walk: Gender Equality in the African Union* in the second half of 2010.
- 13 AU, *Gender Policy*.
- 14 AU, *Gender Policy*, 5.
- 15 T. Rees, 'Reflections on the Uneven Development of Gender Mainstreaming in Europe', *International Journal of Feminist Politics* 7:5 (2005): 555–74.
- 16 S. Ardnt, *The Dynamics of African Feminism: Defining and Classifying African-Feminist Literatures*, Trenton, NJ: Africa World Press, 2001.
- 17 J. Lorber, *Gender Inequality: Feminist Theories and Politics*, Los Angeles, CA: Roxbury Publications, 1998; K. Saunders (ed.), *Feminist Post-Development Thought: Rethinking Modernity, Post-Colonialism and Representation*, London and New York: Zed Books, 2002.
- 18 Lorber, *Gender Inequality*, 13.
- 19 This framework will be legally binding on all African Union member states once ratified by national legislatures.
- 20 Dr Nkosazana Dlamini-Zuma, South Africa's former Minister of Home Affairs, was elected by AU member states in 2012.
- 21 AU, *Gender Policy*.
- 22 The 2009 *Gender Policy* notes that the AU's approach to gender equality is informed by UN frameworks, especially the Universal Declaration of Human Rights, p. 2.

- 23 H. Hudson, “‘Doing’ Security as though Humans Matter: A Feminist Perspective on Gender and the Politics of Human Security”, *Security Dialogue* 36:2 (2005): 159.
- 24 Hudson, “‘Doing’ Security as though Humans Matter”, 170.
- 25 M.M. Kolawole, ‘Transcending Incongruities: Rethinking Feminisms and the Dynamics of Identity in Africa’, *Agenda* 54 (2002): 92–98.
- 26 Gendered relations refers to ‘interactions between and among women and men that are characterized by negotiation, bargaining and exchange between different actors with different access to economic, political and social power’, P. Higate and M. Henry, ‘Engendering (In)Security in Peace Support Operations’, *Security Dialogue* 35:4 (2004): 482.
- 27 A. Mackay, ‘Sex and the Peacekeeping Soldier: The New UN Resolution’, *Peace News* 2443 (2001), www.peacenews.info/issues/2443/mackay.html (accessed 13 August 2011); P. Higate, *Gender and Peacekeeping*, Research Monograph 91, 2004, Pretoria: Institute for Security Studies; E. Rehn and Ellen Johnson-Sirleaf, *Women, War and Peace: The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peacebuilding*, New York: UNIFEM, 2002.
- 28 Higate and Henry, ‘Engendering (In)Security in Peace Support Operations’, 482.
- 29 R. Paris, ‘Human Security: Paradigm Shift or Hot Air’, *International Security* 26:2 (2001): 87–102.
- 30 The conflict cycle here refers to the rising of tensions, conflict management, conflict resolution and the immediate post-conflict phase.
- 31 Amnesty International, *Sudan, Darfur: Rape as a Weapon of War*, London: Amnesty International Secretariat, 2004.
- 32 The APSA includes the Peace and Security Council, the African Standby Force, the Panel of the Wise, the Regional Economic Communities and the Continental Early Warning System.
- 33 United Nations, Resolution 1325, 31 October 2000.
- 34 S. Theobald, R. Tolhurst, H. Elsey and H. Standing, ‘Engendering the Bureaucracy? Challenges and Opportunities for Mainstreaming Gender in Ministries of Health under Sector-wider Approaches’, *Health Policy Plan* 20:3 (May 2005): 141–49.
- 35 African Union, *Africa Health Strategy: 2007–2015*, Addis Ababa: African Union, 2007.
- 36 World Health Organization, *Trends in Maternal Mortality 1990 to 2008: Estimates Developed by WHO, UNICEF, UNFPA and the World Bank*, Geneva: WHO, 2010.
- 37 D. Abdoulaye, ‘Maternal Mortality in Africa’, *The Internet Journal of Health* 5:1 (2006): 1.
- 38 Ibid.
- 39 Ibid.
- 40 African Union, *African Health Strategy*, 2007, 19.
- 41 Ellen Johnson-Sirleaf, Liberia’s President, is the only elected female head of state, although Joyce Banda, Malawi’s President, assumed her position on the death of her male predecessor.
- 42 S. Wendon and T. Wallace, ‘Rethinking Mainstreaming in African NGOs and Communities’, *Gender & Development* 13:2 (2005): 72.

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Part III

Africa's international relations

Issues and policy areas

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Africa's conception of security in transition

The continent's approach to multilateral interventions, from Nkrumah to the Africa Standby Force

Romain Esmenjaud

Introduction

In most discourses, African ownership has come to be regarded as a necessary condition for the successful resolution of African crises. Recently, in the context of the conflict in Libya, the former chairperson of the African Union (AU) Commission, Jean Ping, considered the lack of African leadership as a recipe for failure. Ping argued that Africans 'understand the problems far better than even the closest partners; because we know which solutions will work, and how we can get there; and because, fundamentally, these problems are ours'.¹ Such a discourse suggests that Africans have a distinctive approach to solving crises, but interestingly, no one has ever attempted to define this approach. This chapter aims at filling out this gap by focusing on one of the main tools for conflict management, i.e. multilateral interventions.

Through an historical narrative, this chapter will recover the many attempts to create a common intervention force and question the conceptions of security underpinning them. Two arguments will be made. First, this chapter will demonstrate that, from a conceptual point of view, contemporary developments make a break from past initiatives, including Kwame N'Krumah's projects. Second, this chapter will argue that Africa is today going through a period of transition. Though African actors have embraced the 'liberal' discourse and norms on intervention (Responsibility to Protect (R2P), 'good governance', human security), their practice is still trying to reconcile peace operations with their own political and ideological preferences, in particular the survival of their state and regime.²

This chapter will first offer a description of the developments from independence to the end of the Cold War. Second, we will assess the breaks that occurred since the early 1990s through a confrontation of the 'liberal' (or 'post-Westphalian') discourse adopted by African organizations and their actual practice.

Four conceptions of security

As Alex Bellamy and Paul Williams have shown, there exist different perspectives on the role that international interventions can and should play. Most countries from the global South, as well as Russia and the People's Republic of China, argue in favour of what the two scholars call Westphalian peace operations, 'whose primary function is to *assist* the peaceful settlement of disputes *between* states' without infringing on their sovereignty. In contrast, the promoters of post-Westphalian peace operations, mainly Western actors, consider the role of peace soldiers should not be limited to maintaining order *between* states but instead take on the much more ambitious task of promoting and sometimes enforcing peace ... *within* states', more precisely, 'by creating liberal democratic polities and societies'.³ According to these actors, intra-state developments, and in particular 'bad governance', are today the greatest sources of global instability.

In our view, these two visions rely on different conceptions of security, meaning different visions of the object to protect (i.e. the referent security object) and of the threats to deal with.⁴ As Critical Security scholars have made clear, security indeed means different things to different people.⁵ In this case, while the Westphalian conception aims to preserve states and more generally the interstate system, the post-Westphalian considers that public policies should also aim to protect individuals. Supporters of the latter conception, inspired by liberal discourses, therefore underline the significance of human security and call for the implementation of R2P. The United Nations (UN), although compelled to take the opinions of all its members into account, clearly moves in the direction of post-Westphalian peace operations. Maintaining 'blue helmets' after conflict in order to help building peace through the strengthening of the rule of law, electoral reforms or security sector reform (SSR) has become normal practice. During the last few years, the protection of civilians (POC) has also become one of the core functions of peacekeepers, and sometimes even the *raison d'être* of their deployment (Libya, eastern Democratic Republic of the Congo–DRC).

In order to identify the potential specificities of an African approach to crisis resolution, the following question(s) should thus be considered: what is the conception of security that informs their doctrine and practice? Whose security are they trying to ensure and which threats are they willing to address? Are they, like many countries from the South, acting on the basis of a Westphalian conception? We will actually make our narrative more complicated by introducing two other conceptions of security: first, a *pan-African* approach where the protection of the continent, considered a unitary object, is put at the centre of security policies, and second, a *governmentalist* conception focusing on regime survival.⁶

The quest for an all-African military force during the Cold War

The failure of Kwame N'Krumah's pan-African projects

Today's new African security architecture is often presented as the embodiment of Kwame N'Krumah's vision.⁷ This, however, is only partly true. Current initiatives certainly aim at putting African forces together, as he was calling for, but their purpose is largely different from those of the Ghanaian leader. In fact, N'Krumah's project relied on a Pan-African conception of security in which the relevant security object was neither the state, nor the individual, but the African continent as a whole. At the first meeting of the Organization of African Unity (OAU) Defence Commission, held in Accra in 1963, the Ghanaian delegation proposed the creation of a Union Military Command, disposing of armed forces, in fact a real army with land, navy and air components, with the mission to ensure the security of the Union as an indivisible entity.⁸

An interpretation of N'Krumah's views suggests that threats came exclusively from the 'racist' regimes of Southern Africa, the 'neo-imperial' policies of external actors as well as the remnants of colonial empires, such as military bases and nuclear tests.⁹ Any conflict between 'African brothers' was deemed impossible. All the proposals he put forward, including less ambitious schemes acknowledging the existence of individual states and the necessity to ensure their protection, were rejected. Not only were these projects considered too costly, but they were also not in accordance with the concerns of African leaders, mainly worried about the preservation of their states' sovereignty.

The domination of the Westphalian and governmentalist conceptions of security

Following the inability to operationalize N'Krumah's vision, the co-operation schemes initiated within the OAU, created in 1963, as well as the principles guiding them (equality between states, non-interference in states' internal affairs and intangibility of the borders) mainly aimed at preserving the interstate system as it emerged from the decolonization process.¹⁰ The protection of individuals was largely neglected and never was the sovereignty of a state challenged, no matter how it behaved towards its population. Most African states did not possess the empirical attributes of statehood, in particular the de facto control over a territory and a population, but their mere existence offered their leaders many benefits (prestige, foreign aid, right to exploit natural resources, etc.).¹¹ Westphalianism and governmentalism therefore went (and sometimes still go) hand in hand. By protecting the state, African leaders were also preserving their own power.

The 'progressists' vs. the 'conservatives': two visions of the African force

For a long time, all initiatives in favour of the creation of a continental intervention force have been in vain. In addition to N'Krumah's projects, we can mention, among others, Sierra Leone's African Defence Organization (1965), Nigeria's African Defence System (1970), or the project of an OAU Defence Force discussed between 1978 and 1981.¹² All were taken hostage by the political tensions within Africa, and first by the division between the 'radicals' and the 'moderates', respectively gathered in the Casablanca and Brazzaville groups.¹³ In the mid-1960s, the latter resisted N'Krumah's proposals, as he was then leading the 'radicals'. During the 1965 OAU Summit, the Cameroonian President Ahmadou Ahidjo argued: 'I should like to state, on my behalf and on behalf of a great many states, that, for the present at least, the most serious threat to our States is that of subsidized subversion tele-guided from other African States.'¹⁴ In other words, Ahidjo rejected N'Krumah's vision of the object to secure (the states rather than the continent should be protected) and of the identity of the enemy (the danger is within rather than outside Africa).

With the emergence of the state as the unquestionable framework for political action and the implication of the great powers on the continent, inter-African divisions gradually took a slightly different shape. As of the early 1970s, 'radicals', then usually called the 'progressists' and led by states like Libya, Ethiopia or Algeria, were opposed to the 'conservatives', heirs of the 'moderates'.¹⁵ The two groups again promoted two different visions of the African force. The approach of the 'progressists', mostly composed of allies of the Soviet Union, was mainly based on a mix of the pan-African and Westphalian conceptions. Both the continent and its constitutive states were to be protected, but the enemy remained exclusively outside Africa. The role of the African force, most of them argue, was to ensure the defence of Africa (including its member states) against 'imperialist' powers and to liberate the continent from the remnants of colonialism, with a specific focus on Southern Africa. 'Conservatives', whose thinking was clearly

Westphalian, considered on their part that the continental force should either protect African states against any kind of aggression (the ‘progressist’ threat was implicitly targeted), or act as an interposition force in the occurrence of a conflict between two countries of the continent.

The failure to create an inter-African intervention capacity resulted from these ideological differences, but also from the limited political will of African actors. While the discourse on African unity used by African ‘progressist’ regimes was a way to reinforce their own legitimacy, most ‘conservatives’ were perfectly content to rely on external partners to ensure their security. Before the early 1990s, in the absence of an inter-African military force, only one multilateral intervention was carried out on behalf of the OAU—i.e. the Force Interafricaine au Tchad (1981–82).¹⁶

The Africanization of peace operations in the post-Cold War period: the unfinished transition towards a post-Westphalian conception of security

The shift towards a post-Westphalian discourse

Since the early 1990s, according to many analysts, the continent has gradually adopted a new security culture. Among other initiatives, the 1986 African Charter on Human and Peoples’ Rights (Banjul Charter) and the 1990 OAU Summit Declaration,¹⁷ are considered benchmarks in this evolution. With the creation of the African Union, a new peace and security architecture has been established, including a Peace and Security Council (PSC),¹⁸ a Continental Early Warning System, a Panel of the Wise and an African Standby Force (ASF). In 2006, this structure was complemented by a Policy Framework on Post-Conflict Reconstruction and Development (PCRD).¹⁹ However, beyond these institutional transformations, a more fundamental change lies in the new doctrines and principles adopted to guide the activities of African organizations.

First, AU documents identify transnational and domestic developments as deserving an attention comparable to traditional military issues. In accordance with the ‘sovereignty as responsibility’ principle, the preamble of the PSC Protocol underlines that ‘the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as for the prevention of conflicts’.²⁰ On the basis of the PCRD, the AU is therefore considering developing its capacities in the field of DDR (disarmament, demobilization and reintegration), SSR or the promotion of human rights. In order to promote ‘good governance’, an African Peer Review Mechanism has also been established, while since 2000 the AU has been applying a policy of sanctions towards governments that came to power through unconstitutional means.²¹ Even more importantly, the creation of the AU marks the emergence of human security as one of the core principles of Africa’s conception of security, as one can read in the Common African Defence and Security Policy:

Ensuring the common security of Africa involves working on the basis of a definition which encompasses both the traditional, state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict. The causes of intra-state conflict necessitate a new emphasis on human security.²²

Consequently, African actors have gradually displayed more readiness to participate in multi-lateral interventions, for a long time considered too ‘intrusive’. While Nigeria, within the Economic Community of West African States (ECOWAS), set the example by intervening in

Liberia, member states of the OAU were at first more careful. In 1993, they rejected the proposal of Secretary-General Salim Ahmed Salim to give the organization a right to deploy peace operations. In the Cairo Declaration establishing the mechanism for conflict prevention, management and resolution, they considered that 'complex and resource-demanding peacekeeping operations' were to remain the prerogative of the UN.²³ In these conditions, the organization did not go beyond sending small-scale observer missions in Rwanda, the Comoros and Burundi.

The Africanization process was later revitalized with the creation of the AU and the ASF's objective is precisely to make this trend durable. The establishment of the Standby Force resulted from the action of so-called 'Young Turks', including Thabo Mbeki and Olusegun Obasanjo, who promoted the establishment of a force with the capacity to intervene in the continent's internal conflicts. They defeated the proposals of the 'old-guard leaders' like Muammar al-Qaddafi and Robert Mugabe who pushed for the creation of a single army reminiscent of N'Krumah's pan-African ideals.²⁴ In 1999, the Libyan leader indeed proposed an African force with a role that included the defence of the *continent* 'on earth, sea and in the air'.²⁵ In contrast, the doctrine of the ASF (to be operational in 2015 after the 2010 initial objective failed to be met), set up in collaboration with Western and UN experts, considers a wide range of scenarios for deployment, including very intrusive types of intervention. Scenarios 5 and 6 respectively envisage 'multidimensional missions' and, on the basis of Article IV of the Constitutive Act, the use of force without the consent of the host state. This article, a quasi-unique R2P-type provision, gives the Union 'the right 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'.²⁶ Finally, at a more modest level, the AU is now developing guidelines to frame the action of the PSC and peace-keepers in the field of civilian protection.

African peace operations in practice

Through a significant break with its predecessor, the AU has, then, aligned its conception of security with the post-Westphalian standards developed by Western actors. Like other notions, such as democracy, development or human rights, the concept of peace operations has been 'exported' to Africa. It is for that matter interesting to note that this transfer has been accompanied by capacity-building programmes aiming to spread the dominant norms in the field of international interventions. The transfer of such concepts, sometimes presented as a technical exercise, however, correspond to a highly political process that involves selectivity and re-appropriation.²⁷ Receptive actors, Africans in this case, are never passive. Through references to several missions sent by the AU (in Darfur, Comoros and Somalia), or African regional organizations (in the Central African Republic—CAR), the next section will demonstrate that African actors are trying to reconcile 'modern' tools with their own political and ideological preferences.

The failure to protect: the case of Darfur

No matter how the events in Darfur are described, whether as genocide, war crimes, or crimes against humanity, the AU had the right to intervene to help Darfuris on the basis of Article IV of its Charter. The organization's reaction, which took the form of a 300-man Protection Force ensuring the security of the 80 Ceasefire Commission's observers deployed to supervise the April 2004 N'Djamena agreement, was a much more modest undertaking. In July 2004, 'the protection, within the capacity of the force, of the civilian population' was included in the mandate of AMIS (African Union Mission in Sudan). Through the deployment of AMIS II, the

number of troops was gradually increased to 7,000 but the force never obtained the human and material resources required for such a difficult task, all the more so since Khartoum kept hampering the work of the AU.

Beyond the issue of capabilities, however, political will was also missing to protect the Darfuris effectively. In reality, as an AU document makes clear, ‘the overall aim of AMIS is to assist the parties to reach a political settlement in Darfur and to contribute to a stable, peaceful and united Sudan. The strategic end state foresees the restoration of a secure situation throughout Darfur, thereby providing a safe environment for the return of IDPs [internally displaced persons] and refugees’.²⁸ In other words, the protection of individuals remained a secondary objective, or more precisely was depending on the achievement of a political settlement. Putting pressure on the Sudanese leadership, still treated as a ‘partner for peace’, was in these conditions considered counter-productive. This explains why African leaders have opposed the indictment of President Omar al-Bashir by the International Criminal Court.²⁹ The priority given to the realization of a peace agreement is politically sound in most circumstances but the implementation of the R2P demands a more forceful attitude towards the government when it or its allies are the main perpetrators of the atrocities.

The preservation of the state system as an imperative: the example of the Comoros

The attitude of the AU towards the independence of South Sudan, which the organization made clear should not be considered as a precedent, illustrates the significance most African leaders give to the preservation of the state system. This is corroborated by the AU action in the Comoros. In 2007, the validity of the re-election at the head of the Anjouan island of the secessionist leader Mohamed Bacar was recognized neither by the leader of the Comoros, Ahmed Abdallah Sambi, nor by the AU.³⁰ In February 2008, at the request of the Comorian authorities, the AU ‘requested all Member States capable of doing so to provide the necessary support to the Comorian Government in its efforts to restore, as quickly as possible, the authority of the Union in Anjouan’.³¹ The success of ‘Operation Democracy’, which expelled the rebels from Anjouan in a few days, is sometimes presented as a case of implementation of the AU’s policy against unconstitutional changes of government. In reality, this initiative rather demonstrates the continuing strength of the commitment of its members to the inviolability of Africa’s colonially inherited borders. It is no accident if the contributors to this operation, Sudan and Tanzania, were themselves under the threat of secessionist movements.³²

Governmentalism and peace operations

The main consequence of the intervention in the Comoros has been to re-establish the integrity of the Comorian state, but also to reinforce Sambi’s regime, thereby illustrating the risk that African interventions be used to support authoritarian leaders. In the same vein, the main role of the African Union Mission in Somalia (AMISOM) has been de facto to protect the transitional federal government, although in theory its multidimensional mandate includes many other tasks. Since mid-2011, it has been engaged in a more offensive phase against al-Shabaab militias, thereby regaining control of a large part of the territory. The legitimacy of institutions in power, criticized for their corruption and undemocratic practices (for instance the unilateral extension of their mandate in 2011), is doubtful, however, so that some consider them as one ‘war faction’ among others. In these circumstances, observers are right to question the difference between African peace operations and traditional military interventions.³³

One cannot, however, make broad generalizations on the abuse of peace operations as a tool for 'regime survival'. On the contrary, the deployments of African troops in Chad (1981) or in the Central African Republic (2002–03) have (unintentionally) created the conditions for the overthrowing of the President in power, respectively Goukouni Oueddei and Ange-Félix Patassé. In fact, rather than as the paradigm shaping Africa's attitude towards 'target' states, regime security is more relevant to explain why states actually participate in peace missions. From the point of view of troop-contributing countries, providing units is indeed a way to obtain military and financial support, but also to acquire the reputation of a 'peace-maker'. By making themselves useful (sometimes indispensable) to their international partners, they can also silence potential critics on their domestic or foreign policies. As Danielle Beswick has argued, 'while Rwanda's contribution to peacekeeping may be altruistic, it also serves to reinforce the present regime by highlighting its moral authority and "saviour" role in recent Rwandan history'.³⁴ Uganda's motives for intervention in Somalia are also an interesting case in that regard.³⁵

The case of the CAR, where three African operations have been deployed since 1997 (see below),³⁶ also illustrates how providing soldiers may be for African heads of state a way to boost their own power. The 2002 deployment of the Force Multinationale en Centrafrique (FOMUC), for instance, aimed to replace Libyan troops, whose presence in the CAR was considered by regional leaders as a threat to their state and regime. The sending of Chadian troops is a telling example, as it actually participates in an effort to stabilize a neighbouring country but more importantly to defend the regime of the Chadian President Idriss Deby. The Central African Republic has indeed always been a safe haven and a transit zone for Chadian rebels.³⁷

The difficulties of African peace-building: status quo in the Central African Republic

Peace operations deployed in the CAR also bring to light the difficulties of the transition from classical peace-keeping to more sophisticated peace-building. While the Mission de Surveillance des Accords de Bangui (MISAB, 1997–98) was merely to supervise a cease-fire, the role of FOMUC (2002–08), deployed under the Communauté Economique et Monétaire des Etats d'Afrique Centrale (CEMAC), was to securitize the capital, but also later several regions in the country. Since mid-2008, African soldiers have been participating in a peace-building exercise under the Mission de Consolidation de la Paix en Centrafrique (MICOPAX, 2008–), ruled by the Communauté Economique des Etats d'Afrique Centrale (CEEAC). In reality, despite these changes in their mandate, the role played by the troops in support of the CAR 'phantom' state has largely remained unchanged.

Replacing the Central African security forces, considered non-operational, African troops have been playing a role of stabilization, or rather, given their limited number (about 600), of dissuasion.³⁸ The civilian component of MICOPAX, created to deal with issues related to human rights, child protection or gender, has never been deployed. It is difficult to assess whether the status quo results from a lack of capabilities or of political will by African leaders but this underlines the 'conservative' nature of their practice.³⁹ It is actually fair to think that the division of labour established in places like Liberia and Burundi, where the UN took charge of peace-building tasks after the situation had been stabilized by African actors, is likely to be reproduced in the future.

Conclusion

The creation of an all-Africa military capability is the product of a long and intricate process. The African Standby Force, as currently set up, resembles early projects such as the 1965 Sierra

Leonean African Defence Organization which already proposed member states to earmark one or more units to be placed under a continental clearinghouse. However, from a conceptual point of view, it is very much different from what the champion of pan-Africanism Kwame N’Krumah had earlier envisaged. The failure of the Ghanaian leader to impose his projects certainly marked the failure of Africa’s most subversive attempts to reshape world order, while the creation of the ASF could be interpreted as the culmination of a process of alignment on international, or rather Western, standards.

Today, Africa is going through a period of transition. Arguing that nothing has changed since the early 1990s would be misleading. One will remember that the mere existence of African peace operations is something quite new. The continent’s states and organizations are now committed to a policy of non-indifference which means that all crises, including intra-state ones, are to generate an African reaction, including, if necessary, military intervention. The examples mentioned above, however, demonstrate that their overall objectives have, so far, remained unchanged. Human security is still a secondary concern, far behind the survival of states and sometimes regimes in power. The democratic wave in Northern Africa, if it spreads in sub-Saharan Africa, could impact on this situation. In Latin America, it is indeed only after the fall of authoritarian leaders that a ‘regional democratic regime’ was established.⁴⁰

If such a situation could lead us to question the benefits of African ownership, we shall, however, reject any kind of final judgement regarding the course of action to follow. The tendency of great powers to rely on coercive strategies has not always borne fruit, as the case of Somalia in the 1990s has shown. Moreover, the limited scope of this chapter does not allow us to bring to light the diversity of approaches existing on the continent. Just as the conception of the security of Chad is not comparable to that of South Africa, the operation in Burundi has been very different to the mission in Somalia. Rejecting outright ‘African solutions’ is actually as unreasonable as considering African leadership as the only way to solve the continent’s conflicts.

Notes

- 1 AU, *Report of the Chairperson of the Commission on Current Challenges to Peace and Security on the Continent and AU’s Efforts*, EXT/ASSEMBLY/AU/2.(01.2011), May 2011, para. 48.
- 2 Our argument is in agreement with Acharya’s thesis. He argues that international norms are transferred through a process of *localization* in which ‘local agents reconstruct foreign norms to ensure the norms fit with the agents’ cognitive priors and identities’: A. Acharya, ‘How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism’, *International Organization* 58:2 (2004): 239. See also P.D. Williams, ‘From Non-Intervention to Non-Indifference: The Origins and Development of the African Union’s Security Culture’, *African Affairs* 106:423 (2007): 253–79.
- 3 A.J. Bellamy and P.D. Williams, *Understanding Peacekeeping*, 2nd edn, Malden, MA: Blackwell Publishing, 2010, 4.
- 4 For the notion of conception of security, see E. Starnes, ‘Critical Security Studies and the United Nations Preventive Deployment in Macedonia’, *International Peacekeeping* 11:1 (2004): 165.
- 5 Critical Security studies cover a wide range of approaches (post-modernism, feminism, neo-Marxism, etc.), which emerged in the 1990s to challenge the monopoly of the Rationalist schools of thought (realism and liberalism). Their input includes the taking into account of new issues like environmental, societal or gender ones; K. Krause and M. Williams (eds), *Critical Security Studies*, Minneapolis, MN: Borderlines, 1997.
- 6 For the notion of regime security, see M. Ayoob, ‘Regional Security in the Third World’, in M. Ayoob (ed.) *Regional Security in the Third World*, London: Croom Helm, 1986, 3–23.
- 7 See, for instance, A. Adebajo and C. Landsberg, *The Heirs of N’Krumah: Africa’s New Interventionists*, Pugwash Occasional Paper No. 2, January 2001.
- 8 OAU, *Union Military Command—Proposals by Ghana*, Def.1/Memo 3, Accra, 1st Meeting of the Defence Commission, 30 October 1963 (OAU archives, Addis Ababa).

- 9 Z. Cervenka, *The Unfinished Quest for Unity: Africa and the OAU*, London: Julian Friedmann Publishers, 1977, 38.
- 10 D. Austin, 'Pax Africana?', in S. Baynham (ed.) *Military Power and Politics in Black Africa*, London and Sydney: Croom Helm, 1986, 166–76.
- 11 R.H. Jackson and C.G. Rosberg, 'Why Africa's Weak States Persist: The Empirical and Juridical in Statehood', *World Politics* 35:1 (1982): 1–24.
- 12 The analysis of the projects of the African Defence Force are based on the consultation of the archives of the AU/OAU in Addis Ababa as well as secondary sources, including: B. Franke, 'A Pan-African Army: The Evolution of an Idea and its Eventual Realisation in the African Standby Force', *African Security Review* 15:4 (2006): 1–16; C.O.C. Amate, *Inside the OAU: Pan-Africanism in Practice*, London and Basingstoke: Macmillan Publishers, 1986, 174; T.A. Imobighe, 'An African High Command: The Search for a Feasible Strategy of Continental Defence', *African Affairs* 79:315 (1980): 241–54.
- 13 The Casablanca Groups comprised Egypt, Algeria, Morocco, Libya, Ghana, Guinea and Mali. The Brazzaville Group, later renamed Monrovia Group, comprised more than 20 countries.
- 14 Quoted by M. Wolfers, *Politics in the Organization of African Unity*, London: Methuen and Co., 1976, 96. Both groups were of course far from monolithic. Some countries, as Ghana after N'Krumah was overthrown, shifted from one group to the other. In the same vein, not all members of the Casablanca Group supported N'Krumah's projects.
- 15 The continuity between these groups is certainly not absolute, in particular in terms of their membership. The ideological affinity between them, however, allows the author to make that connection.
- 16 By mistake, the inter-African force in Shaba is sometimes affiliated with the OAU, while it was an ad hoc initiative.
- 17 OAU, *Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World*, Addis Ababa, July 1990.
- 18 AU, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, Durban, 9 July 2002.
- 19 AU, *Policy on Post-Conflict Reconstruction and Development*, Banjul, July 2006.
- 20 *Protocol Relating to the Establishment of the PSC of the AU*, preamble.
- 21 Williams, 'From Non-Intervention to Non-Indifference'.
- 22 AU, *Solemn Declaration on a Common African Defence and Security Policy*, 2nd extraord. session of the Assembly, Sirte, 27–28 February 2004, para. 6.
- 23 OAU, *Declaration on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution*, 28–30 June 1993, paras 16 and 17.
- 24 P. Kagwanja, 'Power and Peace: South Africa and the Refurbishing of Africa's Multilateral Capacity for Peacemaking', *Journal of Contemporary African Studies* 24:2 (2006): 173.
- 25 C. Haggis, *The African Union and Intervention: The Origins and Implications of Article 4(h) of the 2001 Constitutive Act*, PhD thesis, University of Oxford, 2009.
- 26 AU, *Constitutive Act*, Lomé, 11 July 2000, art. IV h.
- 27 D. Darbon (ed.), *La politique des modèles en Afrique: Simulation, dépolitisation et appropriation*, Paris: Karthala, 2009.
- 28 AU, *Briefing Note on the Renewal of the Mandate of the AU Mission in the Sudan*, PSC/PR/2(XLII), 20 October 2005, para. 11. This account is also based on interviews made at the AU headquarters between December 2009 and February 2010.
- 29 AU, *Peace and Security Council Communiqué*, PSC/MIN/Comm(CXLII), 21 July 2008, para. 11i.
- 30 The Comoros consists of three islands: Anjouan or Nzwani, Grande Comore or Ngazidja, and Mohéli or Mwali. The authorities of the Comoros contest French sovereignty over a fourth island, Mayotte or Maore.
- 31 AU, Decision on the Situation in the Comoros, Doc.Assembly/AU/Dec.186 (X), 2 February 2008.
- 32 M. Massey and B. Baker, *Comoros: External Involvement in a Small Island State*, Programme Paper AFP 2009/1, Chatham House, July 2009, 18. Initially, Senegal and Libya were also to participate.
- 33 J.N. Bach and R. Esmenjaud, 'Innovations normatives, résilience des pratiques: A quoi (et à qui) sert l'AMISOM?', *Sécurité Globale* 18 (Hiver 2011/2012).
- 34 D. Beswick, 'Peacekeeping, Regime Security and "African Solutions to African Problems": Exploring Motivations for Rwanda's Involvement in Darfur', *Third World Quarterly* 31:5 (2010): 752.
- 35 J. Fisher, 'Managing Donor Perceptions: Contextualizing Uganda's 2007 Intervention in Somalia', *African Affairs* 111:444 (2012): 404–23.
- 36 We do not consider the COMESA operation (2001–02).

- 37 R. Esmenjaud, *L'africanisation et l'appropriation africaine des opérations de paix. Etude politique et historique à travers les missions africaines au Tchad (1979–1982), en RCA (1997 à nos jours) et au Darfour (2004 à nos jours)*, PhD thesis, Graduate Institute of International and Development Studies, Geneva, 2012.
- 38 AU, *Report of the Multidisciplinary Experts' Mission to the CAR 3–15 April 2006*, PSC/PR/3(LXVII), para. 32.
- 39 A. Meyer, 'Regional Conflict Management in Central Africa: From FOMUC to MICOPAX', *African Security* 2:2 (2009): 166–67.
- 40 F. Adams, 'The Emerging Hemispheric Democracy Regime', *Focal Point* 2:2 (2003): 1–3.

Africa and international trade policy

Contesting the World Trade Organization and Economic Partnership Agreements

Emezat H. Mengesha

Introduction

As is the case in the rest of the world, Africa's international trade policy is guided by the various multilateral, bilateral and regional regulatory frameworks. Of these, the World Trade Organization (WTO) and the ongoing Africa-wide regional negotiations with the European Union (EU) in the form of Economic Partnership Agreements (EPAs) constitute two important frameworks. This chapter attempts to examine the implications of these frameworks on the design and conduct of Africa's trade policy in the global trade arena.

Given the regional variation as well as the country-specific contexts, one cannot refer to a unified African trade policy. It is, however, possible to see a general trend in trade policy in the continent over a period of time. Accordingly, after independence in the 1960s and 1970s, many African states concentrated on 'import substitution' strategies which were essentially inward looking and therefore led to minimum trade interaction with the rest of the world.¹ However, this trend was slowly reversed in the subsequent decades to a more outward-looking strategy. In these subsequent decades, in particular from the 1990s onwards, trade liberalization took root in Africa. A number of factors influenced this policy shift. The major factors include: conditionalities imposed by multilateral lending agencies and bilateral partners, the failure of import substitution strategy both within the continent and in other parts of the world that experimented with this strategy,² and the emergence and strengthening of frameworks and actors for the regulation of international trade.³

What has been the impact at the global level? Above all, this led to the expansion of the rules-based trading system which brought in more and more players, notably states, joining the playing field. This is equally true for African countries.⁴ The international trade regime, in the form of the WTO, provided the much-needed security for the conduct of international trade through its rules-based system.

As commentators note, the growth of the multilateral trading system has been accompanied with the flourishing of preferential trade agreements (PTAs) on the side. Although the rationale for the latter phenomenon has been different at different times,⁵ PTAs are equally predominant in current times. Africa has been actively involved in the two routes that have emerged in the conduct of international trade among nations. This chapter will assess the impact of this transition.

In particular, the following sections will focus on this issue from two perspectives: institutional level and trade issues of importance to Africa.

Multilateral route

Institutional relationship

The interaction of African states with the multilateral trade regime can be examined from two perspectives: the institutional aspect and the perspective of specific trade issues that are of paramount importance to the continent.

The institutional aspect of the analyses looks into the participation of African states in the WTO processes such as trade negotiations and the dispute settlement body (DSB) and generally democratic governance within the institution, including transparency in decision making.

Member states participate in trade negotiations as well as in the DSB structure of the WTO.⁶ Generally and historically the participation of African states in trade negotiations has been characterized as weak. A number of factors contributed to this. Although as a matter of principle all member countries have the right to take part in negotiations, the practice of negotiations within the WTO has not been conducive to active participation of developing and less-developed countries.⁷ Important decisions and meetings that lead to the preparation of the so-called consensus documents usually take place through informal and small meetings that do not generally include these states.⁸ Further, the poor states may not have an adequate number of representatives and in some cases they are not represented in these informal meetings to take part in negotiations.⁹ This semi-closed manner of negotiation has seriously compromised the democratic governance within the WTO, thereby raising questions in regards to the legitimacy of its decisions. Another serious factor in the weak participation of African states in the negotiation process has to do with the low level of development on the continent and therefore insignificant share in world trade.

This essentially implies that the marginalization of African states within the WTO negotiations also translates into their marginalization in the utilization of the DSB of the regime. The DSB statistics show that African states have not been active in the dispute settlement system of the WTO. The African Group¹⁰ in the WTO negotiations ascribes this state of affairs to the 'structural difficulties of the system'.¹¹ Difficulties that arise from the system thereby barring African states from participating in the DSB include: capacity-related constraints such as technical expertise and the huge costs associated with bringing and pursuing a case before the DSB; the absence of remedies;¹² the impracticability of the system of retaliation, which is of little value to these weak and poor states as they cannot retaliate; and the absence of an effective mechanism to ensure compliance.¹³

The absence of meaningful participation in the negotiation process as well as in the dispute settlement mechanism has brought about adverse impacts to the interest of the members. African countries have not been able to advocate for issues of interest to the poor nations of the continent. Further, they have been compelled into accepting more and more cumbersome obligations through the addition of new issues into the multilateral framework. Specific examples of these additions, such as the Agreement on Agriculture, are discussed in the following sections.

Similar lack of participation in the dispute settlement mechanism has had serious implications for the interests of African states. This is because these states are left out in the process of the development of jurisprudence as well as the opportunity to shape obligations and develop interpretations of WTO provisions that are supportive of development objectives, all of which come with active participation in the dispute settlement mechanism of the WTO.¹⁴ The current state of affairs further limits the integration of African countries into the multilateral trading

system.¹⁵ The following section discusses in greater detail the impact of low-level participation of African states in the WTO processes.

Specific trade issues important to Africa

One outcome of the low level of participation of African states is that the multilateral trade regime has expanded and incorporated issues that do not necessarily advance the interests of African states and in some cases are inimical to the interests of these countries. In what follows, an attempt will be made to look into some of these issues.

Agreement on Agriculture (AOA)

The AOA came into being as part of the Uruguay Round of negotiations. Its objective is to establish a fair and market-oriented agricultural trading system.¹⁶ The agreement covers basic agricultural products as well as products derived from them. Processed agricultural products also fall within its ambit. The rules and commitments under the agreement are said to rest on three important pillars:

- increasing market access;
- reducing trade-distorting domestic support; and
- reducing export subsidies.¹⁷

With regard to the first of these, the AOA introduced a tariff-only protection for agricultural products, coupled with reduction commitments, so as to increase market access for them. With regard to domestic support, which is said to have a trade-distorting effect, the agreement aims at disciplining and reducing it.¹⁸ Similarly, the agreement sets out to limit the use of trade-distorting export subsidies, with important reduction commitments in place. These trade objectives of the agreement are balanced by provisions on special and differential treatment for developing, less-developed and net food-importing countries.¹⁹ In addition, non-trade concerns such as food security and protection of the environment feature in the agreement.²⁰

The reform of agricultural trade which began with the AOA in the Uruguay Round is still in the process of negotiation.²¹ The current comprehensive negotiations started in early 2000 and are still continuing as part of the Doha Round.²² They are aimed at substantial improvements in market access; reductions of all forms of export subsidies, with a view to phasing them out; and substantial reductions in trade-distorting domestic support.²³ There is further agreement that in the current negotiations special and differential treatment for developing countries shall be an integral part of all elements of the negotiations.²⁴ They are also to be made operationally effective so as to enable developing countries to take account of their development needs effectively, including food security and rural development.²⁵ Similarly, the current negotiations take note of the non-trade concerns reflected in the proposals submitted by members, and confirm that these will be taken into account in the negotiations as provided for in the AOA.²⁶

Agriculture has a special importance for African countries for three related reasons. These are: the predominantly large rural population where agriculture accounts for a high proportion of employment;²⁷ the role of the agricultural sector in spearheading economic development;²⁸ and the reliance on the export of primary commodities to the international market.²⁹ Each of these factors is directly affected by the existing rules and/or the ongoing negotiations under the AOA.

Africa's reliance on the export of primary commodities is seriously affected by the current high levels of protection in the Organisation for Economic Co-operation and Development

(OECD) countries for products in which Africa clearly has a comparative advantage.³⁰ This in turn would have adverse implications on the livelihood of the rural population as well as on overall economic development which primarily relies on agricultural production. This is because of the high contribution of agriculture to gross domestic product (GDP) growth through its multiplier effect on employment, capital accumulation and land utilization.³¹

A related concern in the African context is the impact of the AOA on food security on the continent. The impact on food security can be seen in relation to small-scale production which is quite predominant in Africa. The reduction of import tariffs, which is one obligation under the AOA, has been found to be the cause for import surges in some countries.³² According to a Food and Agriculture Organization (FAO) study in 15 countries including those in Africa, the AOA has resulted in an increase in food imports which was accompanied by a decline in domestic food production.³³ In a similar study involving 39 developing countries, it was reported that liberalization had led to displacement of local farmers who are pushed out of the domestic market due to the dumping of cheap, subsidized food imports.³⁴ The situation of smallholders is worsened by the continued high level of support that rich countries provide to their respective agricultural sectors.

The removal of state support, mandated under the AOA, further marginalizes small and poor producers in terms of access to productive resources.³⁵ These factors lead to a decline in food production. There are empirical studies attesting to this outcome.³⁶ The overall effect has been an increase in rural poverty and inequality, in particular among small-scale rural landholders.³⁷

The protection of intellectual property rights

The Trade-related Aspects of Intellectual Property Rights (TRIPS) agreement deals mainly with the protection of intellectual property rights and requires members of the WTO to establish minimum standards for protecting and enforcing them. Two interests are at stake in the protection of these rights: those of the inventors and creators, on the one hand, and those of the general public to make use of the inventions and creations, on the other.³⁸

A wide range of subjects are covered by the TRIPS agreement. They include patents, copyright, trademarks and trade secrets. Some of these subject areas, namely patents, trade secrets and trademarks, are relevant to health-related matters.³⁹ Patent protection has proven to be the most controversial area when it comes to the agreement's implications for health matters. It has been criticized for its potential, and in some instances actual, detrimental impacts on the availability and affordability of drugs or medicines, especially in developing countries.⁴⁰

In a continent where the HIV/AIDS epidemic is extensive, the agreement has the potential to pose serious threats in terms of access to life-saving drugs. The patent protection provided for by the TRIPS agreement affects access and in particular affordability or price of medicines in two ways. First, it has increased the scope of protection by introducing product patents.⁴¹ In many developing countries, patents are not applicable to food and pharmaceutical products.⁴² India is a good example in this regard. While the process to manufacture the particular medicine or food product may be patented, the medicine or food itself cannot be patented.⁴³ The patent protection provided under TRIPS now extends to products as a result: medicinal products now enjoy patent protection. Second, it has increased the length of patent protection.⁴⁴ It provides 20 years of protection for exclusivity for the patent holder. During this period competition is excluded, which may lead to higher prices. It has in effect created exclusive rights to patent holders over medicinal products for a longer period of time. This effectively eliminates competition or the production of generic substitutes, which leads to price hikes of patented medicinal products.⁴⁵ In developing countries, the high prices resulting from patent protection have

seriously compromised the abilities of communities and governments to manage infectious and other diseases effectively.⁴⁶

It should be noted that TRIPS has introduced certain flexibilities that can be utilized by poor states to facilitate easier access to drugs. Nonetheless, there are still valid concerns that emerge from the cumbersome obligations that the TRIPS requires for its implementation. The agreement is resource intensive whereby countries are required to make their legal framework conform to the TRIPS and further set up institutions for enforcement.⁴⁷

The development issue in the WTO

The 'new trade issues' discussed above are, in a way, manifestations of the long-standing debate on 'development vs. free trade' in the context of the multilateral trading system. Although at the beginning of the establishment of the multilateral trading system, development concerns of African countries as well as developing countries in general were not given due recognition,⁴⁸ certain flexibilities that could accommodate the development needs of these countries were soon adopted in the form of special and differential treatment (S&D) to these countries.⁴⁹ The S&D provisions are aimed at increasing trade opportunities through market access, requiring WTO members to safeguard the interests of developing countries, allowing flexibility to developing countries in rules and disciplines governing trade measures, allowing longer transitional periods for developing countries, and provisions for technical assistance.⁵⁰ These S&D provisions have been ineffective because of their non-binding nature. This has led to discontent of African countries towards the S&D provisions. Although various attempts have been made to strengthen the development agenda within the WTO, these attempts have not yet borne fruit.

The problem perhaps emanates from a narrow notion of the concept of development in the WTO, which draws from a limited understanding of the link between economic growth and development, and the role of trade in this regard.⁵¹ Openness and trade liberalization are believed to lead to economic growth, which in turn leads to development.⁵² This is a rather simplified version of the link between trade and development and according to some economists, this view underlies the WTO regime.⁵³

However, development is much more than economic growth. The latter is usually measured in terms of GDP growth, which is then translated in terms of income. A broad definition of development, such as the one advocated by Sen, would give a more comprehensive outlook on the relationship between trade and development.⁵⁴ Further, the broad understanding of development gives precise and measurable elements which the trade regime can influence positively. These, for example, include dimensions of poverty reduction, eradication of hunger, social empowerment and building people's capabilities and the various procedural dimensions of trade regulation, such as bringing disadvantaged people in as stakeholders in the trade regime, giving poor countries more voice and equal participation in negotiations and various WTO processes. These are the elements that should be taken seriously in negotiations in the substantive, normative and procedural aspects of the legal and institutional frameworks of the trade regime.

It is this kind of 'development package' that African countries participating in the WTO process are now demanding with a more forceful voice and strategic alliance.

African activism within the WTO

The continuous disregard to the development concerns of Africa (and other developing and less-developed members) in the multilateral forum proved the necessity for an enhanced and active participation in the WTO processes of these countries. It is this realization and need that

has changed the course of Africa's role and participation in the multilateral trade forum. The region is now said to be more organized in negotiations compared to its involvement in the Uruguay round of negotiations.⁵⁵ Some even ascribe the stalled negotiations in the ongoing Doha round to the stand that Africa has taken in the negotiations.⁵⁶

Coalition and alliance formation is one of the mechanisms that African countries have been utilizing to make their voices heard. The African Group is one such group that is currently very active in the WTO negotiations since the start of the Doha Development Round. The group is made up of the 42 African member states. According to commentators, the group has demonstrated its ability to be a key player in the negotiations by blocking progress on the issues that do not advance the interests of the members.⁵⁷

The formation of the AG [African Group] has increased the bargaining power of African countries in the negotiations and made it possible for countries in the region to discuss and speak with one voice on issues of importance to them. The group under the leadership of the African Union has also been quite effective in forming alliances to protect Africa's interests in specific aspects of the negotiations.⁵⁸

The route of PTAs: EPAs and Africa

EPAs constitute the major instruments of co-operation in the trade and economic arena between African, Caribbean and Pacific (ACP) countries and the EU. EPAs aim to establish free trade areas between ACP regions and the EU through progressively eliminating substantially all tariffs and non-tariff barriers against imports and exports of goods, as well as simplifying all requirements and procedures relating to imports and exports.⁵⁹ By so doing, EPAs are meant to establish reciprocal trading arrangements whereby both parties will assume uniform rights and obligations. In effect in the EPAs African member countries will be treated on equal terms to their EU counterparts.

Although the instruments establishing the EPAs talk of wide-reaching development objectives, for instance, integrating ACP states into the multilateral trading system thereby increasing the gains from trade, this may not be easily realized. This is because the shift from the preferential forms of trading arrangement to the fully reciprocal one will lead to a substantial burden on the part of African countries.⁶⁰ The burden comes in the form of loss of tariff revenue due to substantial liberalization, massive adjustment costs due to dislocations resulting from large-scale liberalization and general inability to utilize the opening up of markets due to very low supply-side capacity on the part of African states.⁶¹

This predicament is similar to the problem that African countries are facing in the multilateral trading arrangement. It shows the usual failure to address adequately the development needs of participating African countries in the EPA negotiations.

Conclusions

In the decades that followed independence, international trade policy in the continent has shown a shift from an inward-looking strategy to an outward-oriented approach. African countries started to be integrated into the multilateral trading system through the policy of trade liberalization. However, the level and manner of participation in the multilateral trading system have been quite disappointing for a long period of time. Various factors like the complicated and non-transparent institutional mechanisms of the trade regime coupled with the poor

capacity of African states led to outcomes that were not favourable to the interests of African countries. Development concerns of these states couldn't occupy centre stage in the negotiations. In time, however, the continuous disregard to the development concerns of Africa in the multilateral forum proved the necessity for an enhanced and active participation in the WTO processes of these countries. Through mechanisms like coalition building, Africa has now started to play an important role in the multilateral negotiations. The African Group, which consists of 42 members, has now increased the bargaining power of African countries in the negotiations and made it possible for countries in the region to discuss and speak with one voice on issues of importance to them. These new developments are paving the way for Africa to play its part in global economic governance and wider international relations.

Notes

- 1 T.A. Oyejide and W.M. Lyakurwa, *Africa and the World Trading System*, Vol. 1, African Economic Research Consortium, 2005.
- 2 Ibid.
- 3 The main reference here is to the WTO framework.
- 4 42 African countries were members of the WTO at time of writing.
- 5 Avoiding the cost of high 'Most Favored Nation' treatment, issues of rules of origin and difficulties in the development of regulatory frameworks that are not currently covered under the WTO are some of the reasons. World Trade Organization, *World Trade Report*, 2011.
- 6 Marrakesh Agreement Establishing the World Trade Organization, 15 April 1994, 33 I.L.M. 1144 (1994). See article 3(2) and (3) where it is stated that the WTO serves as a forum for trade negotiations and also administers the dispute settlement processes.
- 7 M. Constantine, *Developing Countries in the WTO*, Basingstoke: Palgrave Macmillan, 2002.
- 8 W. Minter, *Africa and the World Trade Organization: The Issues in Brief 2001*, www.fpipf.org/articles/africa_and_the_world_trade_organization_the_issues_in_brief 12/08/2011.
- 9 Ibid.
- 10 Countries in the WTO form coalitions to advance different interests. The resulting groups often speak with one voice using a single co-ordinator and negotiating team. The African Group in the WTO is made up of the 42 African member states.
- 11 U. Ewelukwa, *African States, Aggressive Multilateralism and the WTO Dispute Settlement System – Politics, Process, Outcomes and Prospects*, 2005.
- 12 The WTO acknowledges the problem reported that '... even after prevailing in dispute settlement, a successful complainant will receive no compensation for the harm suffered during the time given to the respondent to implement the ruling. Nor does the "winning party" receive any reimbursement from the other side for its legal expenses. In the event of non-implementation, not all Members have the same practical ability to resort to the suspension of obligations.' See WTO, *Evaluation of the WTO Dispute Settlement System: Results to Date*, www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/c12s3p1_e.htm 01/08/2011.
- 13 Ibid. See also A. Alavi, 'African Countries and the WTO's Dispute Settlement Mechanism', *Development Policy Review* 25:1 (2007): 25–42.
- 14 C. Manduna and P. Gappah, *Daring to Dispute: Africa and the WTO*, TRALAC and Advisory Center on WTO Law, 2008.
- 15 Ibid.
- 16 See World Trade Organization, *The Uruguay Round Reform Programme for Trade in Agriculture*, www.wto.org/english/tratop_e/agric_e/ag_intro00_contents_e.htm (accessed 20 December 2008).
- 17 See generally World Trade Organization, *Agreement on Agriculture*, 15 April 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A.
- 18 Ibid.
- 19 These special provisions will be discussed in detail in the coming sections.
- 20 World Trade Organization, *The Uruguay Round Reform Programme for Trade in Agriculture*.
- 21 See the Doha Mandate on Agriculture from the Doha Ministerial Declarations, www.wto.org/english/tratop_e/agric_e/dohaagmandate_e.htm (accessed 20 December 2008).
- 22 Ibid.

- 23 World Trade Organization, *The Uruguay Round Reform Programme for Trade in Agriculture*.
- 24 Ibid.
- 25 Ibid.
- 26 Ibid.
- 27 C. Stevens, *Special and Differential Treatment for Agriculture: Africa's Requirements from Special Safeguards and Special Products*, Brighton: Institute of Development Studies, 2006. See also P.N. Osakwe, *Emerging Issues and Concerns of African Countries in the WTO Negotiations on Agriculture and the Doha Round*, Addis Ababa: African Trade Policy Center Economic Commission for Africa, 2006.
- 28 See Osakwe, *Emerging Issues and Concerns of African Countries in the WTO Negotiations on Agriculture and the Doha Round*. See also S.K. Gayi, *Does the WTO Agreement on Agriculture Endanger Food Security in Sub-Saharan Africa?*, Tokyo: World Institute for Development Economic Research, United Nations University, 2006.
- 29 Osakwe, *Emerging Issues and Concerns of African Countries in the WTO Negotiations on Agriculture and the Doha Round*.
- 30 Osakwe, *Emerging Issues and Concerns of African Countries in the WTO Negotiations on Agriculture and the Doha Round*. It should be noted that complete liberalization might also have a negative impact on those African countries that are regarded as net food importers, thus the liberalization effect may not be similar for all countries.
- 31 W. Elijah, *WTO Agreement on Agriculture and Implications on Food Sovereignty/Security in Africa and the Developing World*, 2006.
- 32 C. Smaller, 'Planting the Seed: A Human Rights Perspective on Agriculture Trade and the WTO', *3D Trade Human Rights and Equitable Economy* 4 (2005), www.fao.org/righttofood/KC/downloads/vl/docs/AH261_eng.pdf (accessed 13 September 2009).
- 33 K.V. Gray, *Right to Food Principles vis-a-vis Rules Governing International Trade*, 2003, www.cid.harvard.edu/cidtrade/Papers/gray.pdf (accessed 14 August 2011).
- 34 See Z. Randriamaro, *Gender and Trade Overview Report*, BRIDGE, 2006, 20–24.
- 35 See C.S. Donal, 'The "Good Wife": Struggles over Resources in the Kenyan Horticulture Sector', *Journal of Development Studies* 37 (2001). Although some studies indicate that the AOA tolerates support provided by poor countries to agricultural production, there are issues of concern for the realization of this support. The non-trade objectives such as food security do not have well-designed implementing provisions nor enforcement mechanisms that would counter the feared adverse impacts of agricultural trade liberalization. Consequently, it is not clear if a developing country state can be justified to bypass some of the obligations of the AOA using these objectives.
- 36 C.G. Gonzalez, 'Institutionalizing Inequality: The WTO Agreement on Agriculture, Food Security, and Developing Countries', *Columbia Journal of Environmental Law* 27 (2008).
- 37 Gray, *Right to Food Principles vis-a-vis Rules Governing International Trade*, 14.
- 38 See the preamble to the TRIPs agreement.
- 39 WHO and WTO Secretariat, 'WTO Agreements and Public Health: A Joint Study', 2002, www.wto.org/english/res_e/booksp_e/who_wto_e.pdf (accessed 7 June 2008).
- 40 G. Sampath, 'Gender and the Agreement on Trade Related Aspects of Intellectual Property Rights: Exploring Some Interlinkages', in Anh-Nga Tran-Nguyen and Americo Beviglia Zampetti, *Trade and Gender: Opportunities and Challenges for Developing Countries*, Geneva: UNCTAD, 2004.
- 41 Sampath, 'Gender and the Agreement on Trade Related Aspects of Intellectual Property Rights: Exploring Some Interlinkages'.
- 42 P. Ranjan, 'International Trade and Human Rights: Conflicting Obligations', in T. Cottier *et al.* (eds) *Human Rights and International Trade*, Oxford: Oxford University Press, 2005.
- 43 Ranjan, 'International Trade and Human Rights: Conflicting Obligations'.
- 44 It should be noted that some developing countries had a shorter period while some had longer periods of protection, for example 16 years for South Africa.
- 45 Evidence from different countries is mixed due to the interference of other factors including at the local/national policy level. However, the potential for price hikes is a strong and real one. Sampath, 'Gender and the Agreement on Trade Related Aspects of Intellectual Property Rights: Exploring Some Interlinkages'.
- 46 S. Musungu, 'The Right to Health, Intellectual Property and Competition Principles', in T. Cottier *et al.* (eds) *Human Rights and International Trade*, 2005.
- 47 B. Hoekman, *Making the WTO More Supportive of Development*, 2005, 15, www.imf.org/external/pubs/ft/fandd/2005/03/pdf/hoekman.pdf (accessed 13 July 2008).

- 48 The GATT in 1947 adopted the uniform application of all rights and obligations to all parties.
- 49 C. Grant, *The WTO Ten Years On: Trade and Development*, Stellenbosch, South Africa: Africa Regional Workshops on WTO Negotiations, TRALAC, 2006.
- 50 Ibid.
- 51 WTO, *World Trade Report 2003*.
- 52 Ibid.
- 53 See, for instance, D. Rodrick, *The Global Governance of Trade as if Development Really Mattered*, UNDP, 2001, 9; D. Rodrick, 'Trading in Illusions', *Foreign Policy* 123 (March 2001); see also J. Dunhoff, 'The Death of the Trade Regime', *European Journal of Int Law* 10:733 (1999): 737.
- 54 A. Sen, *Development as Freedom*, 1999.
- 55 Osakwe, *Emerging Issues and Concerns of African Countries in the WTO Negotiations on Agriculture and the Doha Round*.
- 56 D. Lee, *Global Trade Governance and Challenges of African Activism in the Doha Development Agenda Negotiations*, paper presented for the BISA-Africa ESRS Seminar series on African Agency in international politics, 2011.
- 57 Osakwe, *Emerging Issues and Concerns of African Countries in the WTO Negotiations on Agriculture and the Doha Round*.
- 58 Ibid.
- 59 A. Alviv *et al.*, EU-ACP Economic Partnership Agreements (EPAs): Institutional and Substantive Issues, 2007, www.diiis.dk/graphics/publications/andet2007/pgi_epas.pdf (accessed 9 December 2011).
- 60 United Nations Conference on Trade and Development and United Nations Development Programme, *Trade Capacity Development for Africa*, Trade Negotiations and Africa Series, 2006.
- 61 Ibid.

Borders and boundaries

Containing African international migration

Bina Fernandez

Introduction

Africa has frequently been described as a highly mobile continent, with people migrating across the borders within, and of, the continent. This chapter seeks to map the interrelated significance of borders and boundaries in containing African migrations. The chapter draws upon Achille Mbembe's distinction between Africa as a 'place' and Africa as a 'territory', in which the former implies an already given configuration of stable positions, while territory is 'fundamentally an intersection of moving bodies. It is defined essentially by the set of movements that take place within it. Seen in this way, it is a set of possibilities that historically situated actors constantly resist or realize.'¹ In this reading, place then assumes and produces the border as a physical location, a line on the map made manifest at check-points and sometimes, through walls and barbed-wire fences. Territory allows us not only to examine the mobilities of people across these physical borders, but also to examine the construction of identity boundaries of nation, ethnicity, class and gender that may reinforce, overlap, permeate, resist and/or ignore borders. The use of the term territory can also transcend the borders of the 'nation state', giving meaning not only to regional formations (such as African regional economic communities, or contiguous areas of countries inhabited by the same ethnic group), but also to the continent as a whole, particularly in relation to other international entities such as Europe or the Organisation for Economic Co-operation and Development (OECD).

Located within this view of Africa as territory, contemporary African migrations have to be seen as co-imbriated with dynamic political and social processes of constructing both borders and boundaries. While migrants may often 'refuse the border', they are nevertheless also constrained by them, as well as by the boundaries mobilized through migrants' gender, class, ethnic, religious or national identities. This chapter advances the following arguments: first, the policies of African governments tend to disregard the histories and realities of African migrations that occur in the space of Africa as territory. The policies, in contrast, tend to assume Africa as place, and are informed by two forms of bias: *methodological nationalism* (or the naturalization of nation-state divisions of the world)² and a *sedentary bias*,³ both of which are typical of policy approaches to migration in the contemporary phase of globalization. The chapter argues that although the African Union's (AU) migration policies are nominally situated within the view of Africa as territory, in practice, policy processes are driven by African governments' resistance to relinquish these two forms of bias, as well as by the domination of a European Union (EU) agenda to

control undocumented migration from Africa into Europe. These arguments are established by reference to the literature on African migration within multiple disciplines—international relations, political science, migration studies and development studies. The multiple and complex dimensions of migration necessitate and justify such a pluralist approach. The first section of this chapter provides a brief overview of the history and contemporary patterns of African migrations. The second section identifies key areas of policy focus for African countries, differentiated between emigration and immigration. The third section examines the establishment and implementation of AU policy frameworks on migration, with attention to how these have been shaped by the EU. The section also investigates the more promising evolution of regional agreements on free movement across borders. The conclusion returns to consider the implications of realizing the vision of Africa as territory.

History and contemporary patterns of African migrations

Historically, the migrations of people within and from Africa have shaped the continent in crucial ways. Comprehensive overviews of these migrations have been documented elsewhere;⁴ this section provides a summary of selected aspects of these migratory patterns.

Pre-colonial mobilities across the African continent have a long and diverse history, with movements of pilgrims, traders and nomadic groups along the trans-Saharan routes of North and West Africa, and seasonal migrations of pastoralists moving with their livestock in search of grazing lands in East Africa. Even in the relatively centralized kingdoms of Central Africa, whole communities and peoples used migration as an ‘exit’ strategy to express discontent with the political and economic structures under which they might have been living.⁵ The availability of open land on the continent allowed the relative free movements of peoples, and was constrained only by geographic and climatic conditions.

The arrival of Europeans on the continent dramatically altered existing patterns of migration in three important ways. First, the establishment of colonial influence along the coastline of the continent propelled a littoral migration of people, as pre-existing African routes of trade and centres of political influence shifted away from their previous internal, overland and riverine orientation and towards the coast. Second, African labour was conscripted into a peripheral location within the emergent global economy.⁶ This occurred initially through the slave trade, in which 10 to 50 million West Africans were captured and transported across the Atlantic. The forcible mass-displacement of people produced profound demographic, political and economic consequences on the continent, as some regions became de-populated and some African groups involved in slave trading such as the Asante, Oyo, Dahomey and Aro in West Africa, and the Lunda in Central Africa grew more powerful.⁷ In the subsequent phase of colonialism, land legislation and taxation regimes, often coercively, compelled Africans to labour in mines and plantations. Large migratory flows occurred to the cocoa farms of Ghana, the coffee plantations of Côte d’Ivoire and Kenya, and the mines of South Africa and Zambia. These migrations were gendered, as the typical migrant was an adult male, while women, children and old people were left behind. In contrast to the pre-colonial period, Amin maintains that colonialism introduced modern migrations of labour, not of people or communities, as the migrants took their place in an already organized social structure, rather than reproduce their own societies in a new location.⁸ To some extent, the pre-colonial migration pattern of communities seeking new territory to escape oppressive polities persisted into the colonial period, offering a few groups exit from repressive colonial land, taxation and labour regimes. There is, however, a danger of overstating the prevalence of such migrations, as the *assumed* mobility of Africans in the colonial imagination provided the justification for colonial policies of forced sedentarization and peasantization

in some places, and a pretext for land alienation in others.⁹ In the colonial period we see, therefore, the (often forced) migrations of people influenced by boundaries constructed through racialized and gendered labour regimes, even before physical borders were formally established.

The third significant consequence of colonialism for migratory patterns was the establishment of borders on the continent. Contentious debates abound on whether the borders of African nations were an inheritance of the 1885 Berlin Conference, whether the borders were arbitrary, whether the consequences were negative, and whether the borders are likely to persist.¹⁰ Scholars do, however, tend to agree that although the establishment of borders partitioned ethnic groups in adjacent countries, the relative stability of these borders post-decolonization reflects how the consolidation of post-colonial states by national elites superseded ethno-nationalist demands for borders to be redrawn.¹¹

Contemporary migrations across these enduring post-colonial African borders have generated both continuities and discontinuities with trends in previous periods.¹² A significant continuity at a pragmatic level is the enduring high permeability of borders to multiple movements of people, especially across the long stretches of land where the physical border is absent. These movements may be with documents (national identification, visas), or clandestine and irregular; they may also be viewed on a continuum from mobility to migration. Mobilities include the daily cross-border movements of traders, smugglers, pastoralists, as well as the inhabitants of borderlands: people with houses in one country and farmland across the border, or family and kin in both countries. Migrations include temporary, often circular labour migrations for agricultural work, as well as longer-term, cross-border settlement. Such diverse movements reduce the significance of rigid distinctions between internal and international¹³ migration, or between mobilities and migrations.

While reliable data are not available,¹⁴ estimates indicate that 3% of Africans, or 31 million people, are emigrants. Shimeles's disaggregation of migration trends reveals that 65% of sub-Saharan Africans migrate *within* the continent—the largest intra-continental movement of people in the world; and further, that the highest movements are *within* regions.¹⁵ These high levels of migrations within sub-Saharan Africa have been attributed to forced migrations due to conflicts, famines or natural disasters,¹⁶ and the relatively higher wages and demand for labour in a few countries. Côte d'Ivoire, Ghana and Nigeria are the migration poles in West Africa, while South Africa attracts emigrants from Mozambique, Swaziland, Lesotho, Botswana and Zimbabwe, and Sudan and Kenya are the key destinations in East Africa.¹⁷ Within North Africa, the Maghreb countries (Libya in particular) have become poles of migration from sub-Saharan Africa, both as transit (to Europe) and as destinations, since many migrants who are unable to cross to Europe prefer to stay on and find employment in these locations.

Analysis of emigration trends outside Africa indicates that although the growth rate of African migrations to OECD countries has increased between 1975–2000, African migrants are less than 3% of the total migrants in most OECD countries; France is the notable exception, with Africans constituting 14% of the migrant population.¹⁸ An International Organization for Migration (IOM) study estimated 3.5 million Africans in Europe in 2000, equivalent to a mere 0.5% of Europe's population,¹⁹ an indication of the racist rather than realist underpinnings of media and public hysteria about the 'African invasion' of Europe. As de Haas argues, the myths around 'African invasions' and anti-immigration policy rhetoric serve to obscure the structural demand for cheap labour in Europe (and in Libya) which persists in drawing migrants, despite increased border controls.²⁰

This discussion of migration patterns in Africa established the continuing high permeability of African borders, drawing attention to the importance of *intra*-continental migrations. While the structure of labour regimes is not as overtly coercive as during the colonial period, labour

regimes in destinations (both within the continent and outside) continue to have significant implications for migration patterns, often *despite* the intensification of border control regimes.

Migration policies of African governments

The default position of African governments in response to the high mobility and migrations described above has been largely negative, expressed through indifference towards migrant citizens working abroad, or oriented increasingly towards escalation of border controls preventing immigration. African government policy responses to migration operate in a dual mode around exit and entry, and can be differentiated further by other identity boundaries such as gender, class, nationality, ethnicity and professional qualifications.

Policies around exit

African governments' responses to emigration depend to a large extent on migrants' skill levels. The emigration of professional, skilled workers has generated considerable policy concern. The 'brain drain' of doctors, engineers, nurses and other professionals represents not only the loss of human capital and the contribution these people would have made to the development of their country, but also the loss of state investment in higher and tertiary education, and the loss of future tax income.²¹ Professional emigration has been devastating for the health and education sectors in some African countries: for instance, 70% of doctors, 45% of pharmacists and 20% of nurses trained in Ghana between 1995 and 2002 left the country, primarily for the UK and the USA.²² As African professionals leave the continent, although to some degree a case has been made for 'replacement' migration by people from rural areas who take their places, often it is skilled expatriates who replace the departing professionals, at an estimated cost of US\$4 billion annually.²³

In contrast, there is tacit and sometimes programmatic encouragement of the emigration of lower-skilled workers, particularly in contexts of high local unemployment. For example, Ethiopia has for the past decade been facilitating the official emigration of around 30,000 women annually on temporary labour contracts as domestic workers in the Middle East.²⁴ While keen to export 'surplus labour', African governments appear to be less interested in how low-skilled unemployed people use migration as a livelihood strategy, or in the inter-relationship between migration, poverty, employment and social welfare policies. Black's survey of Poverty Reduction Strategy Papers (PRSPs) prepared by 22 African states found that most referred to migration in pejorative terms, and only six had positive comments.²⁵ Once the migrant worker has exited the country, states tend to neglect emigrants' welfare or rights protection in destinations, and are often to reluctant to accept repatriated workers back (particularly from Europe). Moreover, African governments expressed limited outrage over the degrading treatment of undocumented African migrants at the frontiers of Europe, or concern over the thousands that perished in the watery graveyard of the Mediterranean in attempts to infiltrate fortress Europe. Implicitly, African governments absolve themselves of responsibility for these migrants; they are foolhardy, desperate individuals, a disposable surplus population.

African states are nevertheless interested in harnessing the benefits of migrant remittances, as these have assumed increasing significance in the past decade, often exceeding aid and foreign direct investment. Remittance flows to Africa quadrupled from 1990, and were valued at approximately \$40 billion in 2007.²⁶ Following the global financial crisis there was a decline in remittances to Africa, which recovered to slightly above the pre-crisis level to \$41.6 billion in 2011.²⁷ These figures are probably conservative estimates, as a large volume flows through

informal channels or in kind, particularly to Africa. A study by the African Development Bank of four Francophone countries indicated that remittances represent between 9% and 24% of gross domestic product (GDP) and between 80% and 750% of official development aid.²⁸ Remittances are argued to have a direct impact on poverty reduction as they go to families; however, there are high transaction costs incurred (commissions range between 5% and 20%) in sending remittances to places in Africa where financial systems are weak or informal. In July 2011, the AU organized a conference for the establishment of an African Institute for Remittances (AIR) to facilitate cheaper, more secure remittance flows to Africa, and to sharpen the development impact of remittances through the application of appropriate policies.²⁹ In March 2012, the preparatory commission to launch the AIR (funded by a \$2.4 million grant from the EU) submitted its report to the AU and the United Nations Economic Commission for Africa.³⁰ Following on from this report, Resolution 892(XLV) of the AU calls on the AU Commission to define the mandate of the AIR, and welcomes the offer of Mauritius to host the institution.³¹

Although initiatives such as the AIR may reduce the transaction costs and risk of remittances, the general euphoria regarding the positive developmental consequences of remittances evident in government, the World Bank, AU and other African government initiatives needs to be viewed with considerable caution. Remittances are valorized for their direct reach as a 'bottom-up' form of development finance and because they are a crucial source of foreign exchange to stabilize the national balance of payments. It has also been argued that they partially mitigate the loss of 'brain drain' by encouraging productive investment. Scholars within migration and development studies point out that these assumptions about positive development consequences fail to acknowledge structural factors such as poor infrastructure, corruption or the absence of suitable institutions to facilitate and safeguard investment which constrain the developmental potential of remittances.³² Others have observed that the focus on remittances as a new source of development finance reflects an unethical shift in global development policies that places the burden of development finance on migrant workers, thus simultaneously allowing countries in the global North to evade responsibility for redressing an inequitable global economic system and ignoring the micro-level hardship endured by migrant workers to generate remittances.³³

Policies around entry

While cross-border refugee flows are governed by an AU convention,³⁴ the entry of voluntary migrants into African countries is largely governed by country-specific regulation, with differing degrees of border protection. Analysis of the forms of mobility and migration across borders indicates they are differentially experienced through the boundaries mobilized by other status identities, such as gender, age, class, ethnicity, nationality and citizenship status. This is evident, for instance, in Mechlinkski's research at 169 check-points of four African countries, where gender, ethnicity, age and money power (or the capacity to bribe) are critical to migrants' negotiations with border security guards, in addition to migrants' knowledge of the border regime and even the physical terrain.³⁵

Increasingly, immigrations are also filtered through the nationalist identity boundaries constructed by recipient countries. In part, this response has to be viewed as a strategy by newly constituted post-colonial states to consolidate the boundaries of 'the nation', however the latter may be defined. The flexibility of these 'national' boundaries extends to include migrants in the diaspora, but often shrinks to exclude foreign migrant workers (even long-term residents) living within the borders of the country. So the nationalist discourse on 'Ivoryite' excludes the

Burkinabe workers who have lived and worked for decades in northern Côte d'Ivoire, an exclusion that is at the core of the current violent conflict there.

Immigrants may also be positioned through recipient country policies on 'desirable' and 'undesirable' categories of immigrants. This is evident particularly in migrations from Africa to OECD countries, where 'desirable' migrants are preferably highly educated professional workers, despite the EU recognition that Europe's 'demographic decline' necessitates recruitment of both high- and low-skilled workers.³⁶ Low-skilled workers in agriculture, construction or service sectors are necessary, but less desirable. Among these low-skilled migrant workers are large numbers of African women who are migrating autonomously, often working within the domestic service or care industry to make up the 'care deficit' within the OECD.³⁷ Increasingly in the African context, too, undesirable migrants are low-skilled workers without documentation. Public hostility, xenophobia and violent attacks against migrant workers are evident on the African continent too, especially during tough economic times when insecurities are on the rise in South Africa, Côte d'Ivoire and Libya.³⁸ The lack of access to the privileges of citizenship (even if these are limited to protection by the law), and the irregular status of migrants renders them vulnerable to such violence, and even, ultimately, to expulsion by the state.

To summarize, the policies of African governments are constructed in a dual-mode approach to emigration and immigration, and are further filtered through identity boundaries that produce a differential permeability of the border. African governments' policy approach to migrants tends to be partial and opportunistic, focusing on the losses due to brain drain and the perceived benefits of migrant remittances, but neglecting the welfare and rights of migrant workers—whether it is their own citizens working abroad, or foreign guest workers within the country.

The African Union and regional migration policy

Opening borders to the voluntary migration of people within the continent is an objective set out in the AU's Treaty Establishing the African Economic Community (1990):

Member States agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community.³⁹

Within the 34-year time frame for implementation of the African Economic Community, the enactment of a 'Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment' is planned for the fifth and sixth final stages. Ongoing dialogue on free, voluntary movement of people across borders has so far resulted in the formulation of the Strategic Migration Policy Framework (SMPF) and the African Common Position on Migration and Development (ACPMD), both adopted in 2006. The recommendations of the SMPF advocate greater co-ordination between AU members for comprehensive labour migration policies, effective border management and regional harmonization of policies on refugees, internally displaced people and trafficking. The ACPMD articulates concerns over the developmental consequences of migration—brain drain, remittances, as well as safeguarding the rights of migrants.

While on paper both the SMPF and the ACPMD sound commendable, they are exemplary documents of policy rhetoric, as they are non-binding, and AU member states retain their sovereignty to pursue independent migration policies. The absence of 'political traction to adopt anything more powerful'⁴⁰ has meant that the SMPF lacks clear implementation or enforcement mechanisms. There are two sources of this reluctance to actualize the vision of the AU Treaty.

The first source is the methodological nationalism⁴¹ that is the default assumption of the international states system: African governments no less than any other states are unwilling to give up a key element of sovereign power—the capacity to decide who to admit and exclude within the borders.

Reluctance to commit to the SMPF also stems from a tacit resistance to the efforts of the EU to direct the AU migration agenda. Both the SMPF and the ACPMD were pushed by the EU, and in effect mirror the Joint Africa–EU Declaration on Migration and Development of 2006, which was later formalized as the Migration, Mobility and Employment Partnership (MMEP) in 2007.⁴²

The stated priorities of the MMEP have a broad remit and include initiatives on remittances, African diasporas, employment, trafficking in human beings and higher education.⁴³ In line with this remit, the EU is funding the establishment of the AIR, a network of African diaspora organizations, scholarships, as well as a recently introduced unified migration checks system to facilitate travel across borders within the Economic Community of West African States (ECOWAS) region.⁴⁴ In these respects, the MMEP is similar to the SMPF, but differs from the latter in its emphasis on the ‘improved management’ of undocumented African migration to the EU, and its definition of legal migration as ‘regular migration opportunities’, rather than as labour migration.

The MMEP is but the latest in a series of initiatives by European nations to individually and collectively address public anxieties about the regulation of undocumented migrants from Africa. An earlier initiative by France included the *co-development* approach. In varied phases co-development aimed to mainstream development into migration policies, with often ambivalent consequences. These schemes evolved from assisting with the integration of migrants within host countries, to encouraging migrants to leave by providing returnees with financial incentives, to linking aid to the repatriation of undocumented migrants and most recently, to co-financing diaspora contributions to public goods in countries of origin.⁴⁵ Similar co-development policies were adopted in Spain, Italy and the UK. Co-development approaches ignore insights from studies of the relationship between migration and development indicating that it is not generally the poorest people who migrate; and further, that development tends to initially stimulate migration.⁴⁶

In the past decade, more visible and certainly better resourced than the MMEP or initiatives in the ‘co-development’ mode are the increased securitization of the EU border through FRONTEX⁴⁷ border control technologies, and the ‘neighbourhood policies’ that enlist North Africa transit countries into preventing African migration to Europe through bilateral agreements. These agreements induce individual country co-operation (on border patrolling, repatriation and detention centres) through the provision of incentives customized to the agenda of the country. The agreements on repatriation returns migrants to the transit rather than the origin countries; however, as Cross points out, ‘Repatriation is a misnomer, unless we consider Africa to be a country.’⁴⁸ While one important consequence is that EU borders are now externalized, this has not in fact stopped the flow of undocumented migrants from Africa, but rather has resulted in the diversification of routes and more perilous journeys.⁴⁹ Through these coercive and pre-emptive measures of keeping Africans from reaching the borders of Europe and contained within Africa, the EU is in the process of reconstructing ‘Africa as territory’, and simultaneously excluding ‘undesirable’ Africans from destabilizing the boundaries of European identity.

We see, therefore, that EU influence on the AU migration agenda has largely tended to eclipse the realities of African migration noted above, that the majority of migrations occur *within* the continent, and *within regions*. Attention to this reality and limited progress towards instituting free(er) movement within borderless sub-regions has been achieved through the regional economic communities (RECs)—specifically, ECOWAS and the East African Community (EAC). The ECOWAS Protocol on Free Movement (1979) aims to progressively establish the rights of entry, residence and establishment. In the present phase, this permits residents of the region

with valid travel documents and international health certificates visa-free entry into member states for up to 90 days.⁵⁰ Other proposals include the issue of an ECOWAS passport, and the elimination of rigid border formalities and residence permit requirements. Since 2010, the five partner states of the EAC (Burundi, Kenya, Rwanda, Tanzania and Uganda) similarly allow the free movement of persons within the region, and have additionally taken the next step of allowing the free movement of labour. The latter step allows professional workers the right to work, to reside with their families, and to social security benefits within any other EAC country.⁵¹

Although the other RECs on the continent have committed to establishing protocols on free movement, political resistance to the perceived potential loss of sovereignty has resulted in member countries' lack of trust and interest in harmonizing migration policies.⁵² In particular, the absence of agreement on a draft protocol for free movement within the Southern Africa Development Community (SADC) provides a cautionary example about the consequences of increased border control regimes. The SADC draft protocol has been blocked by South Africa, which has attempted to control the influx of migrants (the majority of them from SADC countries) by deploying apartheid tactics to exclude black African migrant 'others'. This renders migrant workers vulnerable to xenophobic attacks and exploitative labour practices—an approach to migration 'more or less in the image of Europe'.⁵³

To activate the provisions of the AU treaty on free movement, African nations need concerted efforts both collectively and individually to avoid replicating European and global trends of greater border controls. The preoccupation with African migrations to the EU has to a great extent distracted attention from the AU goal of free cross-border movements on the continent. It has also contributed to the institutionalization of methodological nationalism and sedentary bias within AU migration policy.

Conclusion

The high level of cross-border migrations and mobilities within Africa offer an important challenge to the African and global trend towards increasing border controls. The empirical reality of Africans' cross-border movements challenges the implicit assumptions of African governments' policy approaches to migration. This chapter documented how these policy approaches reflect assumptions of methodological nationalism and a sedentary bias that operate to contain people within borders. Such a static conceptualization of 'Africa as place' erodes the vision and the potential of 'Africa as territory'. The dissolution of borders within regional formations offers a partial mitigation of these biases, allowing greater freedom of movement within ECOWAS and the EAC. Yet even 'regions' require the reconstitution of external borders, signifying a privileged relation between the people of the region through the exclusion of 'other' Africans. African nations thus need to re-imagine 'Africa as territory', not as the inverted image of Europe, but underwritten by the spirit of 'pan-Africanism'. Such a project would do well to draw on the potential of the social and cultural (rather than the political) foundations of African unity and strong traditions of intra-continental relations.⁵⁴ The cautionary caveat in realizing this vision of freer movement across the African continent is that it would be dangerous to forget that both borders and boundaries are dynamic constructions, and that the boundaries of identity and status may continue differentially to contain mobilities, even if borders are dissolved.

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Power sharing as a conflict resolution mechanism in Africa

Katia Papagianni

Introduction

This chapter will assess how with the increase of negotiated settlements to civil wars in the past two decades, power-sharing arrangements have proliferated. In Africa, power sharing is a prevalent tool of conflict resolution: Kenya's 2008 and Zimbabwe's 2009 power-sharing agreements are prime examples of the phenomenon. Also, Sudan's 2005 Comprehensive Peace Agreement, Liberia's 2003 Accra agreement, Burundi's 2001 agreement and the Democratic Republic of the Congo (DRC) 2003 Sun City agreement all contained elements of power sharing. Power-sharing arrangements bring former belligerents into joint governments and guarantee them representation in the executive, the legislature, the army and/or the management of the country's wealth. Guarantees of inclusion are intended to reassure weaker parties that they will not be exploited or marginalized in the new political order and to give them an incentive to commit to the agreement.¹

A key characteristic of these governments is that they are often put in place for a transitional period during which they are responsible for guiding the complex processes of demobilization and reintegration of combatants, return of displaced persons, preparation of elections and the negotiation of new constitutions. However, transitional power-sharing governments often function with significant difficulty as their members need to resolve major disagreements among themselves that were not settled in peace agreements. Also, interest groups excluded from the peace talks may demand to enter the political arena before elections are held and challenge the legitimacy of transitional governments led by wartime elites. Both the sharing of power among former enemies and the demands of excluded opposition groups are difficult to manage and are potentially conflict provoking.

Pragmatists point out that power sharing is a useful tool to convince all parties to sign peace agreements and to commit to joint state institutions and a common political process. Critics, however, emphasize that power sharing freezes wartime power balances, prevents the evolution of the political process, and closes the door to new political leaders. The key debate, therefore, is between those who argue pragmatically for using power sharing to win acceptance of a peace agreement by recalcitrant parties and those who warn that such compromises may impede the long-term transformation of war-torn societies.

This chapter will briefly present the key characteristics of power-sharing arrangements and discuss the advantages and disadvantages of such mechanisms. It will argue that, indeed, power-sharing arrangements are often necessary for settlements to be reached. However, it will also

argue that such arrangements should be transitional and that, during transitional periods, efforts should be made to expand political participation beyond the members of power-sharing governments. In most cases, the transitional period is a continuation of the peace talks. Thus, the international community needs to be aware of the pitfalls of power-sharing agreements and, when possible, to consider ways in which agreements may encourage wider political participation during transitional periods.

Avoiding pitfalls—designing effective power-sharing arrangements

Power-sharing arrangements are common in agreements ending conflicts in Africa and are being proposed as elements of solutions in several ongoing conflicts. Is this a good thing? What common problems arise in such mechanisms and are there steps that can be taken to avoid them? Drawing on examples from Africa and elsewhere, this section of the chapter summarizes knowledge to date on these issues.

As a starting point, it should be stated that in many cases power-sharing arrangements are almost inevitably an element of peace agreements, especially in situations where conflict arises from minority ethnic, linguistic or religious grievances. At the end of civil wars, conflict parties often demand both territorial autonomy and guaranteed inclusion in state institutions, independent of the outcome of elections. The motivation behind such demands is the fear of being exploited in the future by the majority group or the winner of the elections. There is substantial evidence that power-sharing guarantees do indeed facilitate peace. Such guarantees allow each party to distinguish during the negotiations whether their opponents are serious about respecting interests other than their own.² Furthermore, some scholars argue that the more political, military and territorial power is disaggregated and shared, the more credible are the promises of all parties to commit to and implement peace agreements.

Ahmedou Ould-Abdallah, the United Nations (UN) Secretary-General's special envoy to Burundi in the mid-1990s wrote that 'in times of crisis, the presence of a community's representatives within a government acts as some reassurance to that community that its vital interests will not be ignored'.³ As a result, peace agreements often include the guaranteed distribution of key ministries and shared control over executive positions regardless of election outcomes. There are, of course, exceptions. In civil conflicts that are not fought along ethnic lines, as in the cases of Mozambique and El Salvador, security guarantees, including representation in the new army and police, were offered to the parties during the process of disarmament, but guaranteed power sharing in political institutions was not established.

Importantly, research findings also point to the fact that power sharing not only facilitates the signing of agreements, but also contributes to their longevity. Specifically, research has found that the more dimensions of power sharing among former combatants are specified in a peace agreement, the higher the likelihood that peace will endure.⁴ However, it is also true that very often power-sharing arrangements freeze the wartime realities and do not allow politics to evolve. They limit power in the hands of wartime elites and fail to create adequate political space for the expression of other interests. Furthermore, because power-sharing arrangements rely heavily on elites, they suffer from a continued lack of trust among their chief participants.

Therefore, although the ability of power-sharing institutions to balance power among groups is essential for reaching peace agreements, long-term peace depends on whether groups learn to transact with each other and whether they develop new rules of conflict management.⁵ The rest of the chapter examines the opportunities and impediments that power-sharing arrangements present to the durability of peace.

International supervision is useful for the implementation of power-sharing arrangements

Power-sharing institutions in the immediate post-agreement period are fragile and weak. Routine interaction and relationships among the parties are not yet established. New institutions can easily be captured by the stronger party. The participants of power-sharing arrangements share few, if any, common interests, have low expectations about their partners' reliability and are plagued by fears for their security. Therefore, while institutions are being built, the security guarantees offered by third parties are essential. The absence of such strong international guarantees in Rwanda in 1994 doomed a power-sharing agreement challenged by extremist factions.

Peace agreements that endure usually provide both for power sharing among former combatants and for third-party, international monitoring.⁶ Also, statistical evidence indicates that the presence or the potential for a third-party presence reduces the risk of the collapse of the peace agreement during its first five years of implementation.⁷ However, it should be noted that third parties are vital to the implementation of most negotiated settlements, not only power-sharing agreements. There is considerable evidence that negotiated settlements in general are unlikely to endure in the absence of a third-party guarantor.⁸ Thus, the fragility of power-sharing agreements is not unique.

The analysis suggests that through careful implementation and international assistance, power-sharing arrangements may facilitate the transition to a political process that relies on informal coalitions and electoral politics as opposed to rigid representation quotas and mutual vetoes. Over time, power-sharing institutions may grow roots and generate norms of trust and co-operation.⁹

Transitional power sharing is an extension of peace talks

In transitional periods, peace talks continue in two main ways. First, efforts continue to bring into the political process armed opposition groups who refused to sign the agreement. Second, the signatories of agreements continue to negotiate the many outstanding issues within power-sharing governments. Convincing non-signatories to join the peace process is a crucial goal for the transitional period and one that benefits enormously from the support of third-party mediation. By offering a share in power, transitional governments may succeed in drawing in non-signatories whose interests may have changed or who needed additional guarantees before joining the peace process.

For example, efforts continued in Burundi after the signing of the Arusha Peace Agreement in August 2000 to bring into the political process non-signatory rebel groups. In 2003, the largest non-signatory, the National Council for the Defence of Democracy (CNDD), joined the transitional government. Talks continued, and finally in September 2006 the last rebel group signed a cease-fire agreement. In the DRC, also, the war continued in the east of the country following the establishment of the transitional government in 2003 and efforts to bring rebel groups into the political process continue to this day. In both cases, the role of third parties in mediating between the transitional governments and the non-signatories has been indispensable.

The case of Iraq demonstrates the consequences of not bringing into the political process powerful, armed opposition groups. Iraq's transition from 2003 to the adoption of the constitution in late 2005 failed to provide for a meaningful dialogue among key political elites. This alienated the Sunnis and those Baathists who could have been co-opted in the new political reality at the early stages of the transition. The policy of de-Baathification and the exclusion of former Baathists from the official political process left the transitional period with a legitimacy

deficit for a substantial portion of the population. At each stage of the transitional process, the USA and its Iraqi allies decided against wider inclusion in the political process, although alternatives existed that could have created a political space for dialogue. As a result of a narrowly led transitional process, the constitution adopted in 2005 was largely rejected by the Sunni population.

The second reason to see transitional periods as extensions of peace talks is that members of power-sharing governments continue to negotiate issues not addressed by the peace agreement. In Burundi, many important decisions on the peace process were reached after the 2000 Arusha agreement, including a cease-fire agreement reached only in 2003, and the country's constitution adopted in early 2005. Similarly, the Kenyan power-sharing government installed in early 2008, following post-electoral violence in 2007, has been charged with a long list of important tasks related to constitutional reform and reconciliation through the National Accord and Reconciliation Agreement. Most power-sharing governments negotiate a number of outstanding issues, including disarmament and demobilization of combatants, drafting electoral laws and establishment of electoral commissions, vetting state institutions, creation of a unified army and police, and writing new constitutions. These negotiations are rarely smooth. However, there is a perception within the international community that at this stage the mediation process has ended, and that different skills and types of intervention are needed.

Given all the challenges involved in transitional power sharing, there is an important role for third parties in urging political leaders to continue talking, to reach agreements on the many outstanding issues and to manage the challenges of spoilers. Unsurprisingly to those familiar with mediation efforts, this is a demanding role that requires co-ordinated and consistent political engagement at the regional and international levels. It may also be helpful to include specific mechanisms in peace agreements that can trigger the involvement of third parties in the transitional process when the transition is faced with particularly tough obstacles.

The potential for political deadlock is significant

Advocates of power-sharing institutions argue that these institutions promote moderate behaviour among contending groups by encouraging a positive-sum perception of politics.¹⁰ However, although co-operative behaviour may emerge in the long term, power-sharing governments are likely to stagnate in the short-to-medium term. Power-sharing institutions are designed to make decision making slow and consensus-based in order to reassure parties that they will be consulted on matters of importance. Given divergent interests and effective veto powers by each party, power-sharing governments usually fail to embark on a serious process of reconstruction and reconciliation. Thus, the extensive guarantees that power-sharing agreements offer to the parties reduce their incentives to compromise.

Importantly, leaders participating in power-sharing governments may be under pressure from extremist elements within their constituencies who oppose compromise and the sharing of power with opponents. Thus, power-sharing institutions may foster 'outbidding politics', where extremist politicians within a group make radical demands on moderate leaders of their own group who participate in the government. In such cases, reaching joint decisions is extremely difficult and leaders do not have strong incentives to move beyond the positions they held during peace talks. In the worst type of scenario, this dynamic can lead to the collapse of the agreement, as the case of Rwanda after the Arusha agreement demonstrates.

Examples of deadlocked power-sharing governments abound. In Cambodia, the shared government between Hun Sen and Prince Sihanouk, which was created in 1993, was paralyzed by fighting between the two Prime Ministers and ultimately fell victim to a coup in 1997.¹¹

Also, Liberia's power-sharing transitional government established through a peace accord has been marred by corruption scandals and lack of progress in key issues. Observers argue that the leaders of armed factions blocked disarmament until they received more government jobs. Although the government had a two-year mandate to bring back basic services to the population, it spent several months debating the sharing of high-level posts within the state institutions.¹²

Thus, power sharing may work well in stable democracies when political elites are moderate and willing to compromise. However, this is unlikely in countries exiting civil conflict, where leaders are unco-operative and where majority group leaders are under pressure not to concede to minorities. In such cases, power-sharing arrangements may simply maintain the wartime balances of power. Thus, although power sharing is a sensible transitional device, in the long run a more fluid form of politics that allows for the creation of flexible coalitions that cross the wartime divides is preferable.¹³

Power-sharing arrangements are often undemocratic

Power-sharing arrangements, by definition, share political powers among the leaders of the main parties to a conflict. Depending on how peace agreements were negotiated, these governments often fail to include important social actors who did not participate militarily in the conflict. They also may lack grassroots support, if they are seen by the population as an effort by elites to share the spoils as opposed to move the country toward reconstruction and reconciliation. Finally, because elites are guaranteed representation in power-sharing institutions, they are not accountable to their communities and constituencies.

The above is aptly demonstrated in the case of the National Transitional Government of Liberia (NTGL), which was inaugurated in October 2003. One rebel politician summarized the character of the NTGL as follows: 'this is an administration for warring factions. They control the government. People need to accept this reality. Civilians have no role in the cabinet, they are virtually voiceless.'¹⁴ Furthermore, due to the lack of accountability mechanisms during the transitional period and as discussed earlier, the members of the NTGL devoted more attention to the division of the spoils of the state as opposed to making and implementing public policies.

Also, in Somalia, most of the national reconciliation conferences convened since 1991 focused on hammering out power-sharing agreements for transitional central governments. In some of the conferences the agenda was reduced to allocation of cabinet positions by clans and factions in typical sharing-the-spoils exercises.¹⁵

However, it is important to remember that in the short-to-medium run the drawbacks of power-sharing agreements may be outweighed by their potential benefits. Power sharing does reward those who engaged in violence during the conflict, but by allowing them to enter parliament and the political system it contributes to their co-optation by the system.¹⁶ For example, supporters of Dayton's power-sharing institutions note that despite the extremely slow progress in Bosnia, the institutions contributed significantly to the country's transition from war to non-violent politics: by participating in the elections for the various positions of the Dayton architecture, political leaders signalled acceptance of the institutions and began interacting with each other in a common political process.¹⁷ Also, by bringing all parties to a grand coalition and a common political process, power-sharing institutions create possibilities for relationship building among former adversaries.¹⁸

Importantly, and as will be discussed below, power sharing may be accompanied by other forms of wider political participation during the transitional period in order to compensate for its elite character. For example, public awareness campaigns and public participation efforts may

take place at different points of the transitional process in order slowly to expand political participation beyond the usual suspects.

From power sharing to wider political participation

Given that transitional governments sometimes stay in power for several years and take decisions with long-term consequences, it is not surprising that opposition groups and the public demand to participate in these decisions. Following the signing of peace agreements, there are high public expectations for a new kind of inclusive and just politics. The public yearns for meaningful political changes, which, however, rarely come from power-sharing governments which tend to be concerned with maintaining the status quo and their grip on power. During the transition, it is not advisable or possible to hold only narrow, elite-based discussions behind closed doors. It often becomes increasingly difficult to maintain the rationale for narrow political participation until elections are held, because new political actors are empowered and demand that their interests be represented.

To manage these demands, transitional periods need to expand political participation beyond the signatories of agreements to include a wider spectrum of political groups, civil society and the public in discussions on the future of the country. A transitional process should ideally create political space for debate to take place outside the power-sharing government in order to facilitate the emergence of new leaders and the strengthening of civil society. This may gradually weaken the influence of wartime leaders and offer the opportunity for alternative voices to emerge. For these very reasons, however, expanded political participation is resisted by power-sharing elites, and can be destabilizing.

There are many reasons to expand participation. This final section outlines three key reasons for this encouragement: improving perceived legitimacy of a power-sharing government, representing newly formed opposition groups, and enabling the emergence of new leaders.

First, following a peace agreement, the population is impatient for politics to open up and for public discussions on the future of their country to begin. The wartime leaders participating in government may lack grassroots support and be seen as competing to share the spoils of power rather than moving the country toward reconstruction and reconciliation. Also, because leaders are guaranteed representation in power-sharing governments, they have few incentives to engage their constituencies in discussions on the future of the country. Burundi's transitional process provides an example of this challenge. The power-sharing government was the result of elite negotiations, and the participants in talks were those who had the capacity to carry out violent acts and did not necessarily command respect or have genuine public following. In the eyes of the public, the transitional government was about elites dividing the spoils of government. Overall, the transitional process was disconnected from the local population: 'elite power-sharing did not strengthen the relationship between leaders and citizenry'.

The second and related argument in favour of expanded political participation is that new political groups get organized in the transitional period, and demand representation, refusing to wait for elections to be held. These opposition groups know that important decisions with long-term implications are being taken in the transitional period and want to have a say in them. Should the demands of these groups not be heard, due to a closed, non-transparent transitional process, there is an increased risk of violence.

The third reason for expanding political participation in the transitional period is because power-sharing arrangements tend to prevent the emergence of new political leaders. This is detrimental to peace-making and peace-building efforts: when elites with interests in wartime structures retain power, they resist the processes of demilitarizing and democratizing politics. New political leaders need to emerge gradually, with interests not linked to wartime legacies so

that they can deliver different messages and build political constituencies based on different interest structures.

Expansion of political participation in the absence of election is an extremely difficult and potentially destabilizing undertaking. Some practitioners and academics argue that inclusive political processes should begin only after state institutions have been rebuilt and the rule of law established. Political inclusion in the early stages of the transition, very much like premature elections, can be destabilizing. Political parties are newly created and have not yet built strong ties with their constituencies, state institutions are weak and cannot channel popular demands effectively, and the media are not moderate enough to report dispassionately on divisive discussions. Threatened elites eager to protect their positions and interests are tempted to use manipulative rhetoric to stoke fear and insecurity among the people, or to mobilize them against their opponents.

It is argued here that it is possible to compensate for the elite character of transitional power sharing by combining it with various forms of wider political participation. The political process can provide for inclusive decision-making mechanisms, such as joint commissions and working groups, mandated to work on various aspects of the transition: electoral laws and constitutional issues, rules governing the vetting of state institutions, the creation of a unified army and police, and the reform of public administration. In Mozambique, for example, negotiation and planning continued after the signing of the Rome Accord of 1992. Joint decision-making bodies such as the Supervisory and Monitoring Commission and the Cease-Fire Commission gathered the key political actors and donors in a consultative process chaired by the special representative of the Secretary-General. Other specialized commissions dealt with reintegration of former combatants, reform of the Mozambican defence forces and preparation for elections. Political deliberation beyond the members of transitional governments can also take place in non-elected bodies, such as national conferences and constitutional commissions.

For example, there is an abundance of evidence that lengthy and participatory constitution-making processes lead to durable and legitimate constitutions. In South Africa, once the basic principles of the constitution were agreed upon in late 1993 and 1994, the deliberations of the elected Constituent Assembly were opened up to extensive public participation in 1994–96. Public participation included several components: publication and media broadcasts of all constitutional debates, consultation by each of the parties at the village level, radio broadcasts educating the public on the constitutional process, and 2 million submissions from the general population. As a result, the constitution enjoys a high degree of legitimacy. Similarly, in Namibia there was intense and long-term public participation in the constitution-making process both before and during the work of the Constituent Assembly elected in 1989. The public was well informed about constitutional issues through the election campaigns of political parties. Also, the well-developed radio system contributed to the public's education on the key issues.

Conclusion

This chapter has explored how power-sharing agreements have impacted upon Africa's domestic and international relations through keeping the war parties engaged in the peace process. Even though power-sharing agreements are an increasing phenomenon across the African continent, they do not necessarily contribute toward an enduring political transition unless they are inclusive of a wide range of political actors. Therefore, the African continent and the international community should consider placing greater emphasis on agreements that have a sunset clause and definite end point. Ultimately, power sharing should be a temporary arrangement that leads towards the gradual extension of political participation beyond the

signatories of agreements to a wider citizenry within the country. Nevertheless, power-sharing agreements will continue to be an enduring aspect of Africa's domestic and international relations for the foreseeable future.

Notes

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Part IV

Global governance and Africa

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Africa and international peace operations

Cedric de Coning

Introduction

For many international relations scholars, the relationship between states is ultimately determined by the potential for them to go to war against each other. A large part of international relations research is consequently devoted to understanding when states are likely to go to war, how war shapes the relations between states, and how it influences the nature of our international system.

It is thus not surprising that a significant part of international relations is also devoted to how to avoid war, or how to make peace among states that have gone to war. One of the most prominent tools that has been developed in this context in the 20th century is peace operations. Peace operations are used by the international community, perhaps most recognizably by the United Nations (UN), to assist countries that have been at war, to supervise and implement cease-fire or peace agreements.¹

Peace operations can take many forms, but the most typical UN peace-keeping operation assists the parties to a conflict with implementing a comprehensive peace agreement. In addition to ensuring a safe and secure environment, such peace operations facilitate a transitional political process, oversee elections, support the security sector and judicial reform, enable socio-economic reconstruction, and support the reintegration of displaced populations and/or refugees.

In this book we are concerned with how international relations manifests itself in the African context, and in this chapter we will look into the role that peace operations play in Africa. We will look at how African institutions undertake peace operations and what that tells us about their ability to influence international relations, and we will look at UN peace-keeping operations in Africa, as well as the role of other international actors such as the European Union (EU), North Atlantic Treaty Organization (NATO), People's Republic of China, India and Brazil.

By focusing on peace operations in this chapter we are using one specific, recognizable and comparable activity to improve our understanding of international relations in the African context. In order to carry out peace operations successfully one needs to arrive at a coherent and mutually agreed mandate, one needs to prepare, equip, mobilize, deploy and sustain large numbers of personnel, and one needs to manage highly dynamic and complex conflict systems. We can thus use peace operations to reflect on the level of complexity and sophistication of Africa's multilateral institutions, such as the African Union (AU), the regional economic communities (RECs) and the Regional Mechanisms (RMs) for Conflict Prevention, Management and Resolution. We can also use the African peace operations experience as an indicator of the

relations between African states, as well as the relationships between Africa and the rest of the international system.

African peace operations

Africa now has a more comprehensive peace and security architecture in place than at any other time since the Organization of African Unity (OAU) was founded in 1963.² This reflects a high degree of political coherence among African states on the need to improve the peace and security situation on the African continent as a prerequisite for economic development and prosperity.

However, many of the new structures of the AU still need to become fully operational. Although the AU Peace and Security Architecture (APSA) has benefited from significant political focus and international support, many aspects of the architecture, including especially those structures responsible for peace operations still lack institutional capacity, especially the enabling norms, values and policies, and the skilled and experienced human resources, adequately to develop policy, plan and manage peace operations.

Collective norms and values emerge through many generations of challenges and resulting adaptations and refinement. The APSA system has not yet had sufficient opportunity to develop the amount of collective experiences necessary for it to develop into a self-organized peace and security system, with its own culture and shared norms and values. It is still emerging as a new peace and security system, and as such, it is still heavily influenced by other global and regional systems, such as the UN, the EU and others. We thus need to understand the current state of peace operations in Africa in the context of the ongoing dynamic evolutionary and adaptive processes that will continue to shape the future direction of African peace operations, and the relationship between African and other, most notably the UN, approaches to peace operations.

The APSA consists of a number of interlocking institutions. At the apex is the Peace and Security Council (PSC), which has powers similar to the UN Security Council (UNSC).³ The PSC differs from the UNSC in several ways. The two most significant differences are that it does not have permanent members and no member has veto powers. Our consideration of peace operations in the African context has to start with the PSC, because it is the PSC that authorizes AU peace operations.

The AU Peace and Security Protocol provides for a whole range of peace operations, including, in exceptional circumstances, for enforcement operations. These are operations that can be undertaken without the consent of the host country. Such operations can be undertaken to prevent or stop genocide, war crimes and massive abusive of human rights, but need to be approved at the level of an AU Summit. This provision is very similar to the emerging Responsibility to Protect norm, but actually precedes it, because it was adopted as part of the Constitutive Act of the new AU in 2000 in Sitre.⁴ When the AU adopted this clause, observers commented that the OAU, which was associated with the principle of non-interference, has now been transformed into the AU, which will in future be associated with the principle of non-indifference.

However, in the decade since this clause has been adopted, the AU has not yet invoked the enforcement powers provided for in Article 4 (h) of the Constitutive Act, despite several opportunities where they could potentially have been utilized. Including, for instance, in the context of the massive abuses of human rights in Darfur, Somalia, Côte d'Ivoire and Libya. The AU thus has the policy framework in place, but has not yet developed the institutional culture, nor the agreed practices necessary, to give operational meaning to the policies it has adopted in this context. More needs to be done to work through the implications of how the AU should implement this very important part of its powers and responsibilities.

There are also several other elements of the APSA that collectively constitute the AU's peace and security capacity. These include the Continental Early Warning System, the Panel of the Wise, the Military Staff Committee, the African Standby Force (ASF) and the Peace Fund. Of these the two that are the most relevant for our focus on peace operations are the ASF and Military Staff Committee. We will address the ASF in the next section, but before we do so, we should touch on the Military Staff Committee.

The idea behind the Military Staff Committee was that whilst the ambassadors meet in the PSC, their military attachés should meet in the Military Staff Committee to serve as a kind of technical advisory body to the PSC. The Military Staff Committee is the only APSA institution that has not yet been operationalized. This is partly because very few AU member states have deployed military attachés to their embassies in Addis Ababa. However, more importantly, the AU recognizes that peace operations are multidimensional, and that it does not make sense to have an advisory body for the PSC that only consists of military officers. The Military Staff Committee is being re-conceptualized with a view to replacing it with a body that is capable of providing the PSC with multidimensional peace operations advice.

In fact, the way the Military Staff Committee was originally envisaged reflects a deep prejudice in the African context for a military approach to peace operations. When the OAU felt the need to develop policy on peace operations in the mid-1980s, it gave the task to the African chiefs of defence staff. This culture of tasking the military to deal with peace-keeping has continued to characterize the AU approach to peace operations. For instance, all matters related to the ASF have to be approved by the ministers of defence and security before it is submitted to the AU Summit. Although the ASF was envisaged as a multidimensional capacity with civilian, police and military components, the underlying prejudice for a military approach to peace operations still dominates the way the AU deals with peace operations.⁵

The African Standby Force

Over the past decade, the AU, RECs like the Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS) and Southern African Development Community (SADC), and RMs like the Eastern Africa Standby Force (EASF), have significantly increased their capacity to undertake and manage peace operations. This is largely due to the decision to develop an African Standby Force. This initiative is significant because for the first time, Africa now has a common position, and a joint action plan, for the development of its peace operations capacity. This means that the various disparate donor initiatives to enhance Africa's peace operations capacity can be positively channelled to support one coherent effort. The concept is unprecedented. The closest comparison is perhaps the kind of co-operation that has developed around the NATO Partnership for Peace framework.

The African chiefs of defence staff adopted the original Policy Framework of the ASF in May 2003.⁶ The Framework expands on the provision relating to the ASF in the PSC Protocol, and it envisages an ASF that is composed of five multidisciplinary (civilian, policy and military) standby forces, made up of national contingents that are based in their home countries. This is thus not a standing force, but a network of nationally based units and capacities that are integrated by using a common doctrine, shared training curriculum, joint exercises and regional planning element and/or brigade headquarters. These five standby forces (co-ordinated in the North, East, South, West and Centre) can be used by the AU separately or together as the need may arise, but they all share a common doctrine. The type of operations envisaged ranged from observation and monitoring missions to enforcement type operations.

In the first phase of the ASF's development, which lasted until 2008, the AU was primarily concerned with putting in place the necessary policy frameworks, including an ASF doctrine, standing operating procedures, legal framework, logistics framework, etc. During this period each region also took steps to establish the five regional standby forces. In the second phase the regional standby forces were trained and integrated through a series of map, command post and field exercises at regional level, and finally at the continental level, in a command post exercise called 'Exercise Amani' in 2010.

The Amani exercise helped the AU to identify on which aspects of the ASF it should focus in the third phase of the development process. One of the challenges of the ASF is that the AU had to develop its capacity for future peace operations, whilst at the same time undertaking current operations. In July 2011 these two parallel streams met for the first time when the AU and the EASF signed an agreement whereby that region's standby force deployed staff officers to the headquarters of the AU Mission in Somalia (AMISOM).

Although considerable progress has been achieved since the ASF Framework was first approved in 2003, the operationalization of the ASF has been slower than anticipated, and has been predominantly focused on the military aspects of peace operations. One of the key remaining challenges is the need to develop equally the civilian and police dimensions of the ASF framework so that the multidimensional nature of contemporary peace operations can be fully integrated into the AU peace operations concept. Several initiatives are underway to address the development of the police and civilian dimension of the ASF and steady progress is being made in this regard.⁷

However, the ASF is likely to continue to suffer from a culture of perpetual uncertainty until it is actually used to mobilize an AU or regional peace operation. This is because the ASF policies and procedures remain, in a sense, theoretical until an opportunity has arisen where they can be tested. Several aspects remain unclear, and will probably only be resolved when the need arises to mobilize the ASF for a specific mission context. However, although its function as a tool to prepare and mobilize peace-keepers for an operation is yet to be utilized fully, it is already yielding benefits in that it serves as a vehicle for integrating a common African approach to peace operations. It has provided a platform for the development of common doctrine, common training, and for regional and continental exercises, and this has contributed to developing a common African understanding and approach to peace operations. At this point in time it is only NATO, the EU and Africa that have reached this level of regional integration.

Field operations

During the first decade since the establishment of the AU, it has already undertaken three major peace operations of its own, in Burundi, Sudan and Somalia, involving approximately 22,000 peace-keepers at a total cost of about US\$1.5 billion. The AU has also supported an intervention in the Comoros in 2008.

One of the most significant trends in the African context is the informal division of roles that has emerged around the sequencing of peace operations. The pattern that is taking shape is that the AU, or one of the RECs/RMs, first deploys a stabilization operation, followed by a UN peace-keeping operation within approximately 90 to 120 days. This pattern was established in Burundi, where the AU deployed the African Union Mission in Burundi (AMIB) in 2003, followed by a UN operation (ONUB) in 2004; and repeated in Liberia, where ECOWAS deployed ECOMIL (their mission in Liberia) in 2003, followed by a UN operation (UNMIL) later in the same year. A slightly different partnership has developed in Darfur, where the political context prevented the AU from handing over the mission to the UN, and instead a

new hybrid AU/UN relationship developed in a number of stages, starting with a UN light and later heavy support package to AMIS (the AU mission in Sudan), and then transitioning into a fully fledged AU/UN hybrid mission (UNAMID) which took over from AMIS on 1 January 2008.

In the case of Somalia the AU Peace and Security Council has initially limited its mission (AMISOM) to a six-month mandate, with the expectation that the UN will take over the mission. The UN has not taken over the mission, but it has instead deployed a UN office dedicated to supporting AMISOM, and in this way the UN assessed contribution budget could be accessed to support the AU mission.

This trend is also likely to influence future mission design. For instance, when the AU planned for a possible mission in Libya in June 2011, it envisaged an AU military observer mission followed by an AU/UN hybrid peace-keeping mission.

This sequencing of operations appears to work well because it plays on the respective strengths of the UN, AU and RECs. The UN is adverse to deploying peace operations into situations where a comprehensive peace agreement is not yet in place, and when it does receive the green light to deploy, it needs approximately 90 days to muster the political process necessary to plan, organize and deploy a complex peace operation.

African regional organizations, on the other hand, seem to be more willing to undertake stabilization operations, especially when they have been involved in brokering a cease-fire, and feel obliged to build on that momentum. And although the AU and some of the RECs are capable of deploying military forces that can achieve limited stabilization mandates, they generally lack the staying power and multidimensional capability of the UN, which is needed to transition from a security-focused stabilization mission to a post-conflict peace-keeping or peace-building mission.

The African missions are, as will be discussed in more detail in the next section, also dependent on financial support from the North, and the countries providing this support are, in most cases, eager to transfer these mandates to the UN, so that the UN's assessed contribution system can kick in and take over the financial responsibility for these missions. As this pattern of sequencing thus plays into both the respective strengths and weaknesses of the African institutions and the UN, it is likely to continue to characterize their relationship for the foreseeable future.

However, there are indications that the UN is less enthusiastic about the hybrid mission model than the AU. The AU needs to find a way of accessing a more predictable funding source than ad hoc donor support, and the UN assessed contribution budget appears to be the most obvious source. However, as it is unlikely to be able to access it directly, the hybrid or support models appear to be the best way for the AU to access this funding. The UN, on the other hand, needs the support of the AU in Africa for providing manpower and, in some contexts, for providing it with political credibility. In the latter case, for instance in Darfur, the involvement of the AU is a command and control headache for the UN because it increases the transaction cost involved in taking decisions. If it could, the UN would have preferred to be able to take decisions relating to the mission on its own. However, at the end of the day, the nature of the UN-AU relationship is not a matter of choice, but is determined by the context.⁸

The financing of African peace operations

The single most important factor when considering the future of peace operations in Africa is how they are financed. The AU experience is that even relatively small, unarmed military observer missions have proven to be too costly to be financed solely from its own regular budget. As the AU's budget suffers from deficits caused by member states failing to contribute their dues on time, an additional dedicated peace operations budget, similar to the UN's

assessed contribution budget, is not realistic. Instead, the AU has had to rely on voluntary contributions to the African Peace Fund, direct support to its troop-contributing countries, or direct contracts between donors and service providers to finance its peace missions.

The AU's first peace operation, AMIB, had an approved strength of just over 3,000 troops and an operational budget of approximately \$130 million per year. This was a significant expense in the African context. For instance, in comparison, the budget of the AU Commission for 2003 was approximately \$32 million. South Africa led the mediation effort that resulted in the Pretoria Accord, and thus had a direct interest in an AU mission that would provide a security guarantee for the agreement. As a result, South Africa was willing to cover its own costs, as well as contribute moderately to the cost of the other two troop-contributing countries (TCCs), namely Ethiopia and Mozambique. The total cost to South Africa was approximately \$110 million, with the UK and the USA contributing the rest to enable Ethiopia and Mozambique to participate in AMIB.

The AU's second peace operation, AMIS, was even larger still, with approximately 6,700 personnel, and an annual budget of approximately \$500 million. AMIS was also donor funded, and the EU and the USA have contributed the bulk of the mission's budget.

AMISOM, the AU's third peace operation, with an approved strength, at the time of writing, of 17,000 peace-keepers, was deployed in 2007 with initially only two battalions of Ugandan peace-keepers. The number has slowly increased and the cost of the mission, at the time of writing, was approximately \$900 million per year. The UN supports some of the logistics of the mission through the assessed contribution budget. The bulk of the remainder of costs is covered by the TCCs, Uganda and Burundi, as well as a number of donors, of which the EU and the USA are the largest contributors.

In 2004 the EU contributed approximately €25 million to AMIB, and it has contributed approximately €435 million to AMIS since its inception in 2004. Towards the end of 2005, bilateral contributions by individual EU member states amounted to an additional approximate €115 million.⁹ The USA has contributed approximately \$450 million to AMIS since the mission's inception in 2004.¹⁰ The USA and the EU are also the major financial contributors to AMISOM, which has since its inception in 2007 come at a cost of approximately \$3.5 billion.

Through the assessed contribution system, the USA is responsible for 26% of the UN peace operations budget, while Europe's combined contribution represents approximately 43%.¹¹ Together, America, Japan and Europe are responsible for approximately 88% of the UN peace operations budget.

From a UN and African perspective, the USA and Europe thus have a major political and financial influence on, and stake in, the future of peace operations in Africa. It is anticipated that they will have a continued interest in supporting the development of a balanced capacity to manage conflicts in Africa that will ensure that there is robustness at all levels—international, regional and sub-regional—in the international conflict management system.

Whilst the AU mission in Darfur was conducted with a budget of approximately \$500 million per year, the hybrid UN-AU mission that followed has a budget of approximately \$2 billion per year. AMISOM has suffered similar constraints. One can thus conclude that AU peace operations are likely, as a result of their dependency on voluntary contributions, to have to make do with considerably fewer resources than the UN, EU and NATO would be willing to accept for a similar mission.

The AU has also realized, as a result of its experiences with AMISOM, that its financial dependency limits its ability to determine the mandate, scope and size of its own missions. Following the terror attacks in Kampala in July 2010, the AU Summit decided to expand the mandate of AMISOM and to increase the size of the mission from approximately 8,000 to

12,000. However, the UN and EU were not able to support a mission of that size, and the AU had to make do with only a slightly enlarged mission.

The impact of this dependency on the AU's ability to undertake operations was again demonstrated in June/July 2011 when the AU considered the deployment of an AU mission to Libya, but was unable to find partners willing financially to support such a mission.

The financing of African peace operations is thus the single most important factor that will determine the scope and future direction of African peace operations. African countries have the ambition and political will to undertake peace operations at a higher level of intensity than is currently the case, but they have been unable to generate the institutional capacity to plan and manage such operations, and most importantly, they are unable independently to finance such operations. Finding the appropriate balance between African and partner interests will thus probably be the dominant feature of the relations between these partners over the short-to-medium term.

United Nations peace operations in Africa

It is not possible to consider African peace operations in isolation from UN peace operations in Africa. While Western foreign policy, security and media attention were on Iraq, Afghanistan and the Balkans over the last decade, Africa emerged as the major arena for UN peace operations. Of the 16 peace operations managed by the UN Department of Peacekeeping Operations (DPKO) at the time of writing, eight were in Africa.¹² These included six of the UN's seven largest peace operations, which explains why 75% of the approximately 112,000 military, police and civilian UN peace-keepers deployed at the time could be found in Africa. The emphasis on Africa is also reflected in the UN peace-keeping budget. Of the approximate \$7.8 billion budgeted for 2010/11, approximately 77% was budgeted for operations in Africa.

Africa is, of course, also a significant troop contributor to UN peace operations, with 34 African countries contributing approximately 28% of the UN's uniformed peace-keepers. There is also a relatively high percentage of civilian peace-keepers from Africa in UN peace operations. According to the 2010 *Annual Review of Global Peace Operations*, there were nine African countries among the top 20 contributors to UN missions in 2009, namely: Kenya (second with 4.8%), Ghana (seventh, 2.9%), Sierra Leone (eighth, 2.7%), Ethiopia (10th, 2.3%), Nigeria (11th, 2.2%), Uganda (14th, 1.7%), Cameroon (15th, 1.6%), Tanzania (17th, 1.5%) and Côte d'Ivoire (18th, 1.3%).¹³

Africa contributes approximately 35% of the 6,000 international civilian staff and 40% of the 2,500 UN volunteers who serve in UN peace operations. In addition, the UN has employed 15,442 local professional and general service staff in UN missions in 2010, and of these, 10,109 were Africans.¹⁴ Africa thus contributes more military, police and civilian peace-keepers, and makes a larger financial contribution through the assessed contribution system, to UN peace operations in Africa, than it does directly to AU or other African peace operations.

In comparison with the small and weak UN missions of the mid-to-late 1990s, the scale of contemporary UN peace operations represent a significant shift in the political will of the international community to invest in peace operations in Africa, and to use the UN as the vehicle of choice for this type of operation.¹⁵ However, a kind of informal peace-keeping apartheid has come about, where most European and American peace and stability operations are deployed in NATO or EU operations in Europe and the Middle East, whilst most UN peace operation troops are contributed by the developing world and deployed in Africa.

EU and NATO peace operations in Africa, and EU and NATO support to African peace operations

Whilst this peace-keeping apartheid reflects the macro-pattern, it masks an interesting sub-trend that has emerged over the last few years. More than a decade after Somalia and Rwanda resulted in the West withholding its peace-keepers from the UN and Africa, we now see a new willingness to consider deploying European peace-keepers to Africa in EU and UN peace operations.

In 2003 the EU deployed Operation Artemis in Bunia, in the north-east of the Democratic Republic of the Congo (DRC). Artemis was a very short, focused and robust intervention which augmented the UN peace operation (MONUC) deployed at the time, and enabled the UN to seek a more robust mandate for its own operation and deploy a new brigade to take over from Artemis.¹⁶

The success of this mission encouraged the EU to follow up with further operations. Since June 2004 the EU has deployed approximately 100 military and 50 police advisers in support of AMIS, and over the same period it has provided strategic airlift to over 2,000 AMIS personnel.¹⁷ In 2006 the EU deployed military and police missions to the DRC, this time in support of MONUC in the context of the elections in the DRC.¹⁸

In 2008 the EU deployed its first fully fledged and stand-alone peace operation in Africa—EUFOR CHAD/CAR (Central African Republic)—alongside the UN's MINURCAT. The almost 3,000-strong EU mission in Chad/CAR was strictly mandated for a one-year period only, ending on 15 March 2009. The UN decided to add a military component to the existing MINURCAT mission once the EU mandate expired, and most of the EU TCCs decided that they would re-hat their troops and equipment to MINURCAT at the end of the EU mission. MINURCAT was thus in a rather unique position as it was only one of two UN missions with a sizeable European contribution. The other was UNIFIL (in Lebanon). However, this worked out well for the UN as its sister mission UNAMID, across the border in Sudan, has to rely on mainly African peace-keepers, on the insistence of the Sudanese authorities.

These EU deployments in Africa, and the EU and NATO support to the AU missions in Darfur and Somalia, have stimulated debate around Europe's and NATO's future defence and security policies towards Africa. Over the same period, a number of European countries have indicated a willingness to re-engage with UN peace operations, and as a result of the new UN mission in Lebanon, in the wake of the Israeli-Hezbollah war, there are now two European countries—France and Italy—in the top 15 UN TCCs.

The return of some European TCCs to Africa via UN and EU peace operations has been motivated by two factors. The first relates to the perceived capability of the UN to be a credible security actor. Most Europeans followed the US lead and turned to NATO when they lost faith in the UN after UNPROFOR in Bosnia and the UN failures in Somalia and Rwanda in the early 1990s. However, whilst NATO performed well in its own backyard, it has been unable to do the same in Afghanistan, and this has reminded many of the European countries of the critical importance of international legitimacy in the success of these kinds of operations. The UN has in the meantime demonstrated that it is still the most widely legitimate and credible international vehicle for peace operations, and it has also since successfully completed complex UN peace operations in Sierra Leone and Burundi, and is performing well in Liberia (UNMIL) and South Sudan (UNMISS).

The second reason, somewhat related to the first, is more strategic, in that European countries have come to the realization that close association with the George W. Bush regime's war in Iraq and its 'war on terror' approach towards Palestine, Afghanistan, Iran and Pakistan has

severely damaged their reputation as independent international actors. European countries are thus keen, both as individual states and as the EU, to re-establish themselves as independent agents pursuing their own national and regional interests, as well as serving global needs, for instance by again contributing to UN peace operations.

Conclusion

The scale of contemporary UN peace operations represents a significant shift in the political will of the international community to invest in UN peace operations. Six of the seven largest UN peace operations are in Africa, and approximately 75% of all UN peace-keepers are deployed in Africa.

Although a macro-pattern has developed where most European and American peace and stability operations are deployed in NATO or EU operations in Europe and the Middle East, whilst most UN peace operations troops are contributed by the developing world and deployed in Africa, there is a new willingness in Europe to consider deploying some of its peace-keepers to Africa in EU or UN peace operations.

From a UN and African perspective, the USA and Europe have a major political and financial influence on, and stake in, the future of peace operations in Africa. They are likely to have a continued interest in supporting the development of a balanced capacity to manage conflicts in Africa which will ensure that there is robustness at all levels—international, regional and sub-regional—in the international conflict management system.

Over the past half-decade, the AU and RECs like ECOWAS, the Inter-Governmental Authority on Development (IGAD) and the SADC have significantly increased their capacity to undertake and manage peace operations. The AU, in particular, has played a leading role by deploying its first three peace operations: AMIB in Burundi, AMIS in Darfur and AMISOM in Somalia.

One of the most significant developments in the African context is the informal division of roles that has emerged around the sequencing of peace operations. The pattern that is taking shape is that the AU, or one of the RECs, first deploys a stabilization operation, which is then followed on by a UN peace consolidation operation once a comprehensive peace process is in place.

However, the single most important factor when considering the future of peace operations in Africa is how they are financed, as that determines the size, scope and duration of the missions, and therefore has a direct bearing on their impact. The AU has to rely on voluntary contributions to support its peace operations financially, the bulk of which has come from the USA and Europe to date.

This is problematic because the AU cannot take decisions on its own on many of the strategic, operational and even tactical aspects of the operations it undertakes, as the size, scope, duration and various other aspects will be determined by the available resources, and these are neither predictable nor known long in advance.

Finding the appropriate balance between African and partner interests will thus probably be the dominant feature of African peace operations over the short-to-medium term.

Notes

- 1 In this chapter, the term 'peace operations' will be used in its generic form, i.e. to refer to the whole spectrum of operations (Chapters 6, 7 and 8) authorized by the UN to monitor cease-fire agreements and/or to support the implementation of comprehensive peace agreements. Although the African Union (AU), like the North Atlantic Treaty Organization (NATO), prefers the use of the term 'peace support operations', this chapter will use the term 'peace operations' in order to use a single broad term for the UN, AU, European Union (EU) and NATO operations.

- 2 For analysis on the OAU period, see the Africa Leadership Forum's Kampala Document: *Towards a Conference on Security, Stability, Development and Co-operation in Africa*, Kampala: Africa Leadership Forum, 1991.
- 3 Protocol Relating to the Establishment of the Peace and Security Council of the African Union, adopted 9 July 2002, Durban, South Africa.
- 4 Constitutive Act of the African Union, adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government in Lomé, Togo, 11 July 2000.
- 5 Article 13(1) of the PSC Protocol reads as follows: '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 article 4 (h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force 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.'
- 6 African Union (AU), Policy Framework for the Establishment of an African Standby Force and the Military Staff Committee (Part 1), 12–14 May 2003, Addis Ababa, Exp/ASF-MSC/2(1), www.iss.org.za/AF/RegOrg/unity_to_union/aurep.htm.
- 7 C. de Coning and Y. Kasumba (eds), *The Civilian Dimension of the African Standby Force*, Addis Ababa: African Union, 2010.
- 8 L. Gelot, L. Gelot and C. de Coning, *Supporting African Peace Operations*, Policy Dialogue No. 8, The Nordic Africa Institute, 2012.
- 9 EU Delegation to Washington, DC Fact Sheet, December 2007, www.eurunion.org/newsweb/HotTopics/DarfurEUFactsheetDec2007.doc (accessed 10 February 2008).
- 10 US State Department Fact Sheet on US Aid to the People of Sudan, 25 August 2006, www.america.gov/st/texttrans-english/2006/August/20060825154635EAifaS0.5918085.html; and press statement welcoming UNAMID, www.america.gov/st/texttrans-english/2007/December/20071231150419eaifaS0.331463.html (both accessed 10 February 2008).
- 11 Germany contributes 9%, the UK, France and Italy each 7%, Spain 3%, the Netherlands 2%, and Belgium, Sweden, Austria, Denmark and Finland 1% each. See UN DPKO Fact Sheet, DPI/2429 of May 2006.
- 12 All the UN peace-keeping operations statistics in this paper are based on the DPKO Background Note of 30 June 2011, www.un.org/Depts/dpko/dpko/bnote.htm (accessed 10 July 2011).
- 13 See *2010 Annual Review of Peace Operations*, New York: Centre for International Cooperation. According to the *2009 Annual Review of Peace Operations*, the top 10 civilian contributors in 2008 were: USA (5.6%), Kenya (4.8%), Philippines (3.6%), Canada (3.5%), India (3.4%), UK (3%), Ghana (2.6%), France (2.5%), Sierra Leone (2.4%) and Ethiopia (2.3%).
- 14 See *2010 Annual Review of Peace Operations*, New York: Centre for International Cooperation. The African missions were: MONUC (in the Democratic Republic of the Congo, 2,613); UNMISS (in South Sudan, 2,555); UNAMID (AU-UN Mission in Darfur, 2,481); UNMIL (in Liberia, 984); UNOCI (in Côte d'Ivoire, 82); MINURCAT (in the Central African Republic and Chad, 398); BINUB (in Burundi, 239) and MINURSO (for the Referendum in Western Sahara, 157).
- 15 E. Berman and K. Sams, *Peacekeeping in Africa: Capabilities and Culpabilities*, Geneva: UNIDIR, 2000.
- 16 A report on the lessons learned from Operation Artemis is available at: pbpu.unlb.org/PBPU/view/viewdocument.aspx?id=2&docid=572 (accessed 21 May 2006).
- 17 EU Delegation to Washington, DC Fact Sheet, December 2007, www.eurunion.org/newsweb/HotTopics/DarfurEUFactsheetDec2007.doc (accessed 10 February 2008).
- 18 For more information on the mandate, structure and budget of the EUFOR R.D. Congo, see the Joint Action approved by the Council of the European Union on 27 April 2006, eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_116/l_11620060429en00980101.pdf (accessed 21 May 2006).

Africa and the International Criminal Court

Thomas Obel Hansen

Introduction

International Criminal Court (ICC or the Court) interventions in Africa have over the last decade become an issue which increasingly informs and impacts international relations, domestic politics and the broader agenda of conflict resolution.

The Rome Statute, which established the ICC and has now been ratified by more than 120 states, clarifies that the Court was put in place to end impunity for the perpetrators of the most serious crimes of concern to the international community and to contribute to the prevention of such crimes.¹ Supporters of the ICC tend to emphasize the importance of these objectives and suggest that the Court is an important instrument for preventing mass violence around the world. In particular, they argue, the ICC has the potential to deter state leaders and others from launching campaigns of ethnic cleansing, genocide and other atrocities.

Others, however, suggest that the Court's interventions jeopardize peace processes or may encourage repressive leaders to entrench themselves in power, thereby prolonging or escalating violent conflict and human rights abuses. In addition, many of these critics claim that the ICC serves as an instrument of powerful countries in the West to control poor countries in the South, an argument that has been endorsed by the African Union (AU).

A divisive debate about the ICC's role in Africa might seem inevitable given that the Court infringes upon long-standing principles of state sovereignty. Of course, these divisions are exacerbated because all of the currently active investigations take place in African countries and all of the suspects and defendants are African. None the less, the ICC in Africa is a complex topic, which is best debated avoiding simplifications such as the 'ICC versus Africa' or the 'ICC for Africa'. Arguably, some of the critique of the Court's work on the continent serves other agendas than promoting accountability, peace and the needs of war-affected communities. At the same time, purely legalistic accounts of the topic, which suggest that politics has nothing to do with the law, as well as claims that the ICC simply intervenes where the worst crimes have been committed, are not necessarily helpful for understanding these complexities.

This chapter looks into the ICC's work in Africa. Combining an analysis of the various cases where the Court has intervened to date with an examination of the responses and debates this has initiated, the chapter will seek to contribute to an understanding of how the Court functions, the broader context in which this judicial institution operates and the dilemmas that surround the pursuit of international justice in Africa.

Transitional justice: a framework for analysis

The pursuit of criminal accountability for state-sponsored atrocities and other forms of institutionalized violence is conceptually linked to the Nuremberg Trials that took place following the Allies' victory in World War II.² However, while the trial of Nazi leaders is often seen as presenting a milestone towards establishing an international rule of law, in subsequent decades repressive state leaders were usually allowed to retire quietly and only rarely did societies establish other mechanisms to address comprehensively legacies of mass violence.³

The renewed attention in the late 1980s and early 1990s to prosecuting leaders of repressive regimes and in other ways addressing state-sponsored violence is linked to a new way of thinking about justice and transition. In the context of the Latin American transitions of this era, the field of transitional justice was formed as a merger between the so-called transition to democracy discourses and the increasingly influential human rights movement. Influenced by scholars such as Juan Méndez, Diane Orentlicher, Jaime Malamud-Goti and Aryeh Neier, the emerging field tended to advocate that those responsible for serious abuses committed by the preceding military regimes should be prosecuted, since this was thought to promote the rule of law and help consolidate the new democracy.⁴ However, many transitional justice scholars also accepted that prosecuting the outgoing elites could sometimes threaten the stability of the nascent democracy, meaning that compromises to accountability principles were often necessary.⁵ Although few of the Latin American countries undergoing democratic transitions at this time actually adopted a comprehensive criminal justice scheme to deal with past abuses, these experiences and debates none the less resulted in the issue of accountability becoming central to the agenda of political transitions.⁶

Since then, transitional justice discourses have proliferated to address a diversity of contexts beyond liberalizing political transitions. For example, debates about transitional justice now occur in situations where a genuine political transformation is yet to take place and in cases of continued armed conflict. Arguably, this is the case in many of the instances in Africa where justice processes, conceptualized as transitional justice, are put in place to deal with serious human rights abuses. In Kenya, for example, debates about accountability, truth-seeking and reforms are debated as transitional justice, though a fundamental political transition is yet to occur. In other cases, such as Uganda, the Democratic Republic of the Congo (DRC) and Libya, accountability measures and other tools to address serious abuses are implemented in the midst of ongoing armed conflict.⁷ While many had hoped that the recent regime changes in the Arab world, including northern Africa, would create a new wave of democratic transitions, the outcome of many of these transitions is as yet uncertain.

The fact that transitional justice increasingly plays a role in various countries in Africa must be understood in light of a number of developments. For example, advocacy undertaken by civil society organizations, both national and international, working across the continent has contributed to an agenda where justice processes are increasingly included in peace agreements and other tools aimed at resolving violent conflict. Further, international actors, including donor countries and United Nations (UN) agencies, increasingly encourage, or even demand, that massive human rights abuses are addressed by means of truth telling, victims' redress, institutional reforms and, not least, criminal prosecutions.⁸

One important tool in this respect involves the ICC. The Court has come to influence—and sometimes frame—the broader debate about accountability and transitional justice in Africa. At present, the Court has opened official investigations into crimes committed in altogether eight African states. Due to these interventions—and arguably the mere possibility of ICC intervention—the Court has become central to the pursuit of accountability for serious crimes committed on

the continent. As a visible sign of this, in March 2012 the ICC obtained its first ever conviction when Congolese rebel leader Thomas Lubanga Dyilo was found guilty of having committed war crimes in the context of the conflict in the eastern DRC and sentenced to 14 years' imprisonment.⁹ In addition, two heads of states—Sudan's incumbent President Omar al-Bashir and ousted President of Côte d'Ivoire Laurent Gbagbo—and a number of other high-profile African leaders are being investigated or prosecuted by the Court.

Expectably, the pursuit of international justice for crimes committed on the continent has proven controversial. On the one hand, a school of thought argues that the ICC is useful, and perhaps particularly relevant, in the African context due to the prevalence of violent conflict on the continent and the legacy of impunity that affects many African countries. The ICC, it is suggested, can provide a useful remedy for the victims, deter new crimes, promote more rule of law-abiding governance and may ultimately contribute to peace and security in Africa. Put in simpler terms, these commentators argue that the ICC is both needed and—as noted by Max du Plessis—wanted by Africans.¹⁰ On the other hand, several analysts are critical towards the ICC, for example because the Court is seen to be insensitive to other ways of resolving conflict and addressing human rights abuses and may pose a danger to peace and stability in the countries where it intervenes.¹¹ Some of these critics add that criminal justice is not an appropriate or efficient tool for addressing mass violence in the African context. Instead, it is suggested, African societies affected by violent conflict need reconciliation and the victims need healing, not retribution, which is better achieved through non-punitive indigenous or culturally rooted mechanisms.¹² Of course, there are also those in between who argue that international justice, as such, is relevant in the African context, and that the Rome Statute is flexible enough to acknowledge that prosecuting the perpetrators of mass violence is not always desirable, or that international justice should be synchronized or timed so that it does not obstruct peaceful resolution of conflicts.¹³

ICC interventions in Africa

Self-referrals

Uganda

On 16 December 2003, the government of Uganda referred the situation in northern Uganda to the prosecutor of the ICC. This referral, which was the first in the history of the ICC, was accompanied by information that allowed then ICC Prosecutor Luis Moreno-Ocampo to announce that there was a reasonable basis to open an investigation. As had been requested by the prosecutor, on 8 July 2005 Pre-Trial Chamber II of the ICC issued sealed arrest warrants against five leaders of the Lord's Resistance Army (LRA) in connection to crimes against humanity and war crimes allegedly committed by the rebel movement in northern Uganda. In October 2005, the arrest warrants were unsealed by the Chamber, making the identity of the five suspects—Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen—known to the public. However, by January 2013 when this Chapter was finalized, none of the suspects had been transferred to The Hague (while the proceedings against one of the suspects, Lukwiya, have been terminated due to his decease).¹⁴

ICC involvement in Uganda has been surrounded with controversy for a number of reasons. One major point of division concerns the question of whether the decision to issue arrest warrants for LRA leaders has contributed or proven to be an obstacle to the peace process in the country. At the time, Moreno-Ocampo argued that as a consequence of the Court's intervention, crimes in northern Uganda had 'drastically decreased' as the Court helped to strengthen regional

support for combating the rebels and eventually forced them to participate in peace negotiations.¹⁵ While ICC intervention arguably contributed to convincing the rebel leaders that they should come to the negotiation table in the first place, it seems as if the arrest warrants soon became an obstacle to implementing the peace process.¹⁶ The problem was that the rebel leaders, perhaps unsurprisingly, made it clear that they viewed the withdrawal of the arrest warrants as a precondition for signing the peace accord. Some observers have suggested that this made Ugandan President Yoweri Museveni change his mind and request the ICC to withdraw its indictment.¹⁷ However, while the ICC was criticized by some, including civil society organizations working in northern Uganda, for refusing to act according to Museveni's appeal—and in the eyes of these critics in effect contributing to prolonging the conflict in northern Uganda—the fact remains that the LRA has by and large ceased its hostilities against the civilian population in northern Uganda, although attacks continue to occur in the neighbouring countries. Furthermore, a domestic transitional justice process, which includes the use of traditional approaches to reconciliation, is being implemented in the northern region, and a special division of the Ugandan High Court, known as the International Crimes Division, has been created to prosecute perpetrators of international crimes in the country (though thus far with little success).¹⁸

Another major point of criticism levelled against the ICC's intervention in Uganda concerns the fact that the Court has exclusively focused on LRA atrocities, thus neglecting crimes allegedly committed by the Ugandan army.¹⁹ While the ICC prosecutor has stated that the investigation in northern Uganda is in principle not limited to specific actors, a different message was seemingly delivered as Moreno-Ocampo and the Ugandan President stood side by side announcing the referral at a press conference,²⁰ and there are no signs that the investigation will expand to cover government-sponsored crimes. It seems clear that the decision to focus on LRA crimes alone is at least in part driven by a desire to ensure government co-operation and the security of ICC staff operating in the country, which could have been difficult had the prosecutor requested that arrest warrants be issued for high-ranking army officers or government officials. None the less, even if such pragmatic considerations on the prosecutor's side may be understandable, they do not change the perception that ICC intervention in Uganda is 'one-sided and heavily politicised'.²¹ It should be noted in this connection that a study carried out by the Office of the High Commission for Human Rights (OHCHR) found that the majority of victims in northern Uganda consider both the LRA and the Ugandan army as being responsible for the violations and their suffering, and prefer that both actors be held accountable.²²

The Democratic Republic of the Congo

The Ugandan case is said to have inspired the ICC prosecutor similarly to obtain a self-referral from the government of the DRC,²³ something that happened on 3 March 2004. Following some controversy concerning the role of the prosecutor *vis-à-vis* the Pre-Trial Chamber, on 10 February 2006 an arrest warrant was issued on Thomas Lubanga Dyilo in connection to his alleged role in recruiting child soldiers for the Forces Patriotiques pour la Libération du Congo (FPLC). Since Lubanga was already in custody in the DRC and the UN mission in the country co-operated with the Court, his transfer to The Hague was made easy. Little more than a month after the arrest warrant was issued, on 20 March 2006, Lubanga—as the first ever—appeared before the Court. Following significant delays, the trial itself commenced on 26 January 2009, and ultimately, on 14 March 2012, Trial Chamber I of the ICC convicted Lubanga for the war crime of conscripting and enlisting child soldiers.²⁴ As noted above, Lubanga was sentenced to 14 years' imprisonment. The proceedings against Lubanga have in many aspects been a test case. As part of the controversy, in July 2008 the Pre-Trial Chamber ordered that

the suspect should immediately be released due to the impossibility of conducting a fair trial in light of the prosecutor's failure to disclose important evidence, a decision that was reversed, however, by the Appeals Chamber.²⁵ Despite these challenges, the Lubanga case is important, for example, because it clarifies the scope and modality of victims' participation and right to reparation under the Rome Statute. In August 2012, Trial Chamber I set out the principles to be applied for reparations to victims. The Chamber emphasized that reparations must be offered in a 'broad and flexible manner', and noted that victims must be treated fairly and equally irrespective of whether they participated in the trial proceedings.²⁶

Besides Lubanga, the Court has issued arrest warrants on five other rebel leaders: Bosco Ntanganda, Germain Katanga, Mathieu Ngudjolo Chui, Sylvestre Mudacumura, and Callixte Mbarushimana, a Rwandese national who was suspected of having committed international crimes in the Kivu Provinces but against whom the Pre-Trial Chamber refused to confirm charges. While Ntanganda and Mudacumura remain at large, the trial of Katanga and Chui commenced in November 2009 and closing statements were delivered in May 2012.²⁷ By the end of 2012 the Trial Chamber acquitted Chui, finding that it could not be proved he was the 'commander of the Lendu combatants ... during the attack against the Bogoro village', a decision which Fatou Bensouda, who took office as ICC prosecutor in June 2012, immediately stated she would appeal.²⁸ The verdict against Katanga will be delivered at a later stage.

As in the case of Uganda, there have been speculations that the ICC prosecutor's strategy was informed by political or pragmatic considerations. In particular, it has been argued that by choosing initially to focus only on the Ituri region, where there appears to be less evidence of government forces' involvement in atrocities compared to other regions in the DRC, the ICC prosecutor attempted to avoid implicating President Joseph Kabila and his allies, in this way facilitating government co-operation with the Court.²⁹ While the prosecutor's decision must be looked at in light of the fact that the success of the Court's interventions is contingent on the suspects' arrest and transfer to The Hague for trial, critics argue that this strategy points to a politicization of the Prosecutor's Office and the wider ICC system.³⁰ In addition, the charges brought against Lubanga were seemingly deliberately limited in order to avoid that foreign governments, specifically Uganda and Rwanda, would be implicated, a decision that Pre-Trial Chamber I criticized when noting the international nature of the conflict and on its own initiative added a charge based on this assessment.³¹ However, in its judgment the Trial Chamber found that the crimes in Ituri had been committed in the context of a non-international armed conflict, a decision which has been questioned by some observers.³²

On a more positive note, there are indications that the ICC proceedings in the DRC—and in particular the charges brought against Lubanga—have raised awareness concerning the illegality of conscripting child soldiers. It also seems that the Court's targeting of some militia leaders caused concern among others, though the extent to which this deterred them from committing further crimes remains contested. Some analysts also note that domestic courts have been inspired by the ICC—reflecting the so-called principle of positive complementarity—to prosecute other militia leaders for international crimes.³³

Central African Republic

The third self-referral to the ICC was made by the government of the Central African Republic (CAR) in late 2004. The prosecutor initially monitored whether domestic courts would commence proceedings against those responsible for international crimes in the country, but by May 2008 an arrest warrant was issued on a Congolese national, Jean-Pierre Bemba Gombo. Bemba, who is suspected for crimes against humanity and war crimes committed during the civil war in

the CAR, was arrested by Belgian authorities during his visit to the country and by July 2008 transferred to The Hague. His trial commenced in November 2010.³⁴ By January 2013, all of the prosecutor's witnesses had testified but several defence witnesses were yet to testify as the trial hearings had been temporarily suspended.³⁵

Compared to the cases of Uganda and the DRC, ICC intervention in the CAR has received somewhat less attention. Yet, Bemba, who is the leader of the Mouvement de Libération du Congo (MLC) and former Vice-President of the DRC, was among the front-runners in the July 2006 presidential elections, making some note that the ICC ended up promoting the political interests of incumbent DRC President Kabila.³⁶ This again raised the spectre that politicians in power have been instrumentalizing the Court to restrict the activities of their opponents.

Mali

On 16 January 2013, the ICC prosecutor announced that based on the government's referral in July 2012, the Office had opened an investigation into the situation in Mali. It is yet to be seen who will be the target of the investigation, but statements from the prosecutor indicate that the Office will focus on war crimes committed by the rebels operating in the north of the country.³⁷

UN Security Council referrals

Sudan

On 31 March 2005, the UN Security Council referred the situation in Darfur, Sudan—which had endured a continuous conflict since 2003—to the ICC. The Resolution, which is the first of its kind, requires the government of Sudan to co-operate fully with the Court, notwithstanding that Sudan is not a state party to the Rome Statute. Seemingly dissatisfied with the slow pace of the prosecutor's investigation, in an unprecedented move of July 2006, Pre-Trial Chamber I requested external views as to whether the security situation, as the prosecutor had claimed, made investigations impossible.³⁸ In April 2007, the Chamber issued arrest warrants against Ali Kushayb, a leader of the *Janjaweed* militia, and Ahmad Harun, who at the time served as Minister of State for the Interior. The two suspects, who are both alleged to have committed numerous crimes against humanity and war crimes in the conflict-torn Darfur province, still remain at large. Arguably, this lack of co-operation by the government of Sudan prompted the ICC prosecutor subsequently to request that an arrest warrant be issued on Sudanese President Omar al-Bashir, something for which the Chamber opted in March 2009.³⁹

The arrest warrant on the President—which was initially limited to counts of crimes against humanity and war crimes but, following the prosecutor's appeal, in July 2010 was extended to genocide—has proven one of the most controversial moves made by the ICC to date. In addition to deteriorating significantly the relationship between the AU and the ICC (see below), it made many commentators question whether or not the Court had gone too far, seeking justice at the price of peace and stability. In particular, critics suggested that the arrest warrant pushed the President into a corner, which would escalate the attacks on civilians in Darfur and perhaps jeopardize the fragile peace in South Sudan.⁴⁰ However, whereas serious human rights violations continue to occur in Darfur and elsewhere in Sudan, South Sudan has gained independence in a manner more peaceful than feared by these sceptics. Since al-Bashir was re-elected President in 2010, there appear to be no prospects for transferring him to stand trial in The Hague any time soon.

Furthermore, arrest warrants have been issued on three rebel leaders: Abu Garda, Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus. The Chamber did not find sufficient grounds to confirm the charges against Garda, but charges have been confirmed against the two other rebel leaders, who had appeared voluntarily before the Court. Most recently, the Court issued an arrest warrant for Minister of Defence Abdel Raheem Muhammad Hussein.

Libya

As in the case of Sudan, ICC intervention in Libya is based on a UN Security Council referral. The referral, which was made on 26 February 2011, led the Court to issue arrest warrants on three Libyan leaders—including then head of state Muammar al-Qaddafi—for their alleged involvement in attacking the civilian population in Libya during the armed conflict that took place between February and October 2011.⁴¹

Though Qaddafi at the time of the arrest warrant was arguably more isolated than his Sudanese counterpart, the Court's decision to intervene in Libya while the conflict was still ongoing and Qaddafi remained in power caused some concern. At the time, some commentators argued that the arrest warrant could make Qaddafi cling to power and make him more inclined to continue the fighting.⁴² In contrast, human rights groups celebrated the Court's move, arguing that it was likely to deter other members of the leadership in Libya from committing crimes and that this would eventually make them withdraw their support from Qaddafi, thereby promoting a regime change.⁴³ However, subsequent events rendered these speculations irrelevant: by August 2011 the rebel groups had captured Tripoli and ousted Qaddafi. Soon after the UN had recognized the National Transitional Council as the legitimate government of Libya, on 20 October 2011 Qaddafi was killed under circumstances that are not entirely clear as he was trying to escape from Sirte.⁴⁴

Citing its desire to prosecute in national courts, the current Libyan government has filed an admissibility challenge with the Court and further stated that it is not willing to transfer to The Hague the two other members of the prior regime, Saif al-Islam Qaddafi and Abdullah al-Senussi, against whom the ICC issued arrest warrants in June 2011. As Mark Kersten explains: 'Since the fall of [Qaddafi's] regime and the assertion of a newly sovereign Libya, the ICC's intervention has degenerated into a controversial and, at times, acrimonious battle between Libya's new rulers and the Court over where the highly prized indictees should be tried.'⁴⁵ Regardless of the outcome of the admissibility challenge, there are no good reasons to believe that the suspects will be tried in The Hague. Aside from Libya's insistence on national trials and stated intention not to comply with any ruling of the ICC to the contrary, the international community, including the UN Security Council, has done little to support international justice in Libya following the regime change, notwithstanding that the investigation was triggered by the Council itself in the first place. Curiously, the ICC prosecutor appears to be forthcoming to the idea of trials in Libya, whereas the defence counsel, citing the unlikelihood of a fair trial in Libya, has stated its preference for conducting trials before the ICC.⁴⁶

However, while Libya has used the official channels to challenge the admissibility of the ICC cases (by mid-January 2013 the decision was still pending), the new government has also used extra-legal methods to show its discontent with the ICC. In a highly controversial move the government detained the ICC-appointed legal counsel, Melinda Taylor, and other ICC staff when they went to meet with Saif al-Islam Qaddafi in Zintan. The Libyans claimed they were 'spying' and had brought secret devices such as a 'video-recording pen' to the meeting, though no credible evidence has been presented that the ICC staff were violating codes of conduct.

The standoff over the faith of the detainees eventually ended when in July 2012 they were released after the ICC had issued what seemed to be an apology to the Libyans.⁴⁷

Prosecutor's own initiative

Kenya

The Kenyan case represents the first example of the prosecutor using his powers under article 15 of the Rome Statute to commence an investigation *proprio motu*, and thus an ICC intervention in the absence of a state or UN Security Council referral. In a majority decision of 31 March 2010, Pre-Trial Chamber II authorized the prosecutor to launch an investigation into the violence that followed the December 2007 general elections. Perhaps influenced by the criticism that was raised in connection to the Uganda and DRC cases, the prosecutor this time focused on leaders on both sides of the conflict. Accordingly, the Chamber issued summonses to appear for three individuals associated with incumbent President Mwai Kibaki, namely then Head of Public Services Francis Muthaura, Deputy Prime Minister Uhuru Kenyatta and then Head of Kenya's Police Forces Mohammed Ali. Additionally, three persons associated with Raila Odinga's presidential campaign—member of parliament and former Minister of Higher Education William Ruto, former Minister of Industrialization Henry Kosgey and radio presenter Joshua Sang—were summoned by the Court. In late January 2012 the Chamber confirmed the charges against four of the suspects (Muthaura, Kenyatta, Ruto and Sang).⁴⁸ The trials were scheduled to commence in April 2013.

The Kenyan cases unfold in a context where some of those suspected by the Court continue to hold government positions. Further, two of the suspects, Ruto and Kenyatta, have created a political coalition (with Kenyatta as its presidential candidate) which aims at gaining power in the elections scheduled for March 2013. In effect, the ICC proceedings have an intimate relationship to politics in the country and are likely to affect the outcome of the elections, though in which direction yet remains to be seen.⁴⁹ While the impact of the ICC process on peace and security in the short term—including the conclusion of peaceful elections in March 2013—is disputed, several commentators note that the ICC proceedings may help to challenge a political culture which has endorsed violence as a tool of competition.⁵⁰ Importantly, a majority of Kenyans express support for the Court's intervention—something which must be understood in light of the failure of the Kenyan leadership to create a local accountability process, the prevalence of impunity and other issues.⁵¹

The government of Kenya, though visibly divided, has made a number of efforts aimed at halting the ICC process. For example, the government attempted to obtain a UN Security Council deferral of the cases. The request has never been brought to a formal vote, but the Council has made it clear that it will not support a deferral.⁵² Moreover, the government of Kenya filed an admissibility challenge in which it was claimed that Kenya had initiated criminal investigations of the post-election violence and/or that the reformed judiciary would soon be able to prosecute those responsible for the violence. However, the admissibility challenge was rejected by Pre-Trial Chamber II, which noted that there remains a situation of inactivity in Kenya, a decision that was upheld by the Appeals Chamber.⁵³ Although the struggle over complementarity ought thus to have ended, government officials, including President Kibaki, have continued to state that they want the cases 'brought home' or transferred to the African Court of Justice and Human Rights or the East African Court of Justice.⁵⁴ Leaving aside that the Rome Statute does not provide a basis for transferring ongoing ICC cases to a potentially

competing regional court, most observers doubt that these statements point to the government's will to achieve justice for the post-election violence.

Côte d'Ivoire

On 23 June 2011, the ICC prosecutor requested Pre-Trial Chamber III to authorize an investigation into the violence committed in Côte d'Ivoire in connection to the disputed 2010 election, which was soon after authorized by the Chamber. On 23 November 2011 the Court issued an arrest warrant for former head of state Laurent Gbagbo.⁵⁵ Gbagbo, who is suspected of having committed crimes against humanity, is now detained in The Hague awaiting the commencement of the confirmation of charges hearings. He may soon be followed by his wife, against whom the ICC unsealed an arrest warrant in November 2012.

Côte d'Ivoire is not a state party to the Rome Statute, but has accepted the jurisdiction of the Court. Technically speaking this is not a self-referral, but an example of the prosecutor using the *proprio motu* powers. However, because Alassane Ouattara—the President of Côte d'Ivoire since Laurent Gbagbo was ousted in April 2011—had requested the ICC prosecutor to investigate the crimes, the situation bears resemblance to a state referral.⁵⁶

The decision to so far only target members of the Gbagbo regime has reinforced perceptions that the ICC targets those in opposition to regimes that otherwise co-operate with the Court.⁵⁷ However, on 22 February 2012, Pre-Trial Chamber III decided to expand the investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010.⁵⁸ Reactions in Côte d'Ivoire to the ICC's decision to expand the temporal scope of investigations have largely been positive. For example, the president of the Ivorian Human Rights and Politics Foundation described the Court's decision as courageous and as a sign of fair justice.⁵⁹ However, it remains to be seen whether this expansion of the investigation will prompt the Court to bring charges against others, possibly including some of the leaders currently in power. The government of Côte d'Ivoire is currently considering ratifying the Rome Statute.

The African Union and the ICC

African states played an important role in establishing the Court and constitute a core group of ICC member states. However, the relationship between the AU and the ICC has significantly deteriorated over the last couple of years. There seems to be a growing feeling within the AU and among African governments that the ICC overly targets African leaders and that the Court is insensitive to the needs of solving conflicts on the continent, which, it is argued, may require policy solutions rather than judicial solutions.

The division originates in the Court's decision to issue an arrest warrant on Sudanese President al-Bashir. As an immediate response to Moreno-Ocampo's application for an arrest warrant on the President, the AU requested that the UN Security Council use its powers under article 16 of the Rome Statute to order a deferral of the Darfur case. At the same time, the AU's Peace and Security Council called for the formation of an AU High-Level Panel on Darfur (which later became known as the Mbeki Panel) to submit recommendations on 'accountability and combating impunity, on the one hand, and reconciliation and healing on the other'.⁶⁰

The UN Security Council chose to ignore the request made by the AU, and when in March 2009 the ICC acted favourably on Moreno-Ocampo's request to issue an arrest warrant on al-Bashir this further escalated the tensions between the AU and the ICC. Citing the 'unfortunate

consequences that the indictment has had on the delicate peace processes underway in The Sudan and the fact that it continues to undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur', a July 2009 resolution by the AU once again requested the UN Security Council to consider an article 16 deferral. Furthermore, the resolution entailed an unprecedented decision that AU member states would not co-operate with the Court in connection to the arrest warrant on al-Bashir. Despite clearly contravening state parties' obligations under the Rome Statute, a number of African states have shown commitment to the AU decision. Kenya, a state party to the Rome Statute, for example, invited President al-Bashir to a celebration of the country's new constitution in August 2010, a choice that led the ICC to report Kenya to the UN Security Council.⁶¹ In contrast Malawi, which is also a state party to the Rome Statute, made it clear that due to the ICC arrest warrant al-Bashir was not welcome to the AU Summit, which was planned to be held in the country in July 2012.⁶² When the AU insisted on al-Bashir's right to attend, Malawi opted to cancel the meeting.

Based on resistance to the continued ICC involvement in Sudan, the AU has taken a number of further steps indicating dissatisfaction with the Court's operations, including presenting a proposal to the ICC Assembly of States Parties to amend article 16 of the Rome Statute so that the UN General Assembly would be empowered to defer ICC cases. The proposal has not been incorporated into the Rome Statute.⁶³ Perhaps made easier due to the already existing dissatisfaction with the Court's strategies, Kenya swiftly secured AU backing for a request to the UN Security Council to order a deferral of the cases.⁶⁴ However, as noted above, the request, which claimed that the ICC process poses a risk to peace and security in the country, has never been seriously considered by the Council.

With the decision of 27 June 2011 to issue arrest warrants on Libya's Qaddafi and two other members of the regime then in power, the Court was once again criticized by the AU for neglecting the need to pursue peaceful settlements of conflicts on the continent. Despite the fact that three African countries with a seat in the UN Security Council—Gabon, Nigeria and South Africa—had supported the Council's decision to refer the Libyan case to the ICC, regional resistance to the Court's intervention in Libya grew throughout 2011. South African President Jacob Zuma, who had been working on a negotiated solution to the Libyan crisis and hosted the AU's High Level Ad Hoc Committee on Libya, expressed 'extreme disappointment' with the ICC's decision.⁶⁵ Furthermore, at a summit in July 2011, the AU stated—as it had with regard to the Sudanese case—that it would not co-operate with the Court with respect to the arrest warrant issued on Qaddafi. Rather than necessarily reflecting widespread regional opposition to the idea of holding Qaddafi responsible for the atrocities in Libya, many African states seemed to disagree with the *timing* of international justice. Put simply, the decision to indict Qaddafi while he was still in power and the armed conflict ongoing was seen as a major problem for securing a peaceful settlement to the Libyan crisis.⁶⁶ When, to the regret of the AU, the UN Security Council later authorized a military intervention—which came to be led by the North Atlantic Treaty Organization (NATO)—this might further have disseminated the picture that African concerns about conflict resolution were not taken seriously by the Council.⁶⁷ In July 2012, the AU passed a resolution which stated support for Libya's quest to have the ICC suspects tried in national courts.⁶⁸

Moreover, several African countries have threatened to withdraw from the Rome Statute, and an AU meeting for ministers of justice and attorneys-general, held in Addis Ababa on 14–15 May 2012, decided to adopt a draft protocol which could grant the African Court of Justice and Human Rights jurisdiction over international crimes.⁶⁹ As noted by Max du Plessis, this move was clearly driven by anti-ICC sentiments.⁷⁰ If implemented, the decision raises a number of complexities to which there appears to be no clear solution. During the July 2012 summit,

the AU Assembly decided to defer the adoption of the amendment to the African Court's jurisdiction to January 2013, pending an analysis of 'financial and structural implications'.⁷¹

Leaving aside the implications of establishing a regional criminal court, the tensions between the AU and the ICC risk undermining the entire project of building a strong system for holding accountable those responsible for the most serious crimes committed on the continent. At the root of this conflict is the perception that African countries are marginalized in international relations, a conception that in the context of international justice seems to find some merit in the composition of the UN Security Council and the powers that the Rome Statute vests with the Council. After all, the Rome Statute is constructed in such a way that the only real mechanism for ensuring that peace can be prioritized over international justice rests with the Council.

Further, regional opposition to the ICC seems grounded in the ways the ICC has interpreted its mandate and operated. In particular, former ICC Prosecutor Moreno-Ocampo has been accused of being insensitive to African voices and offending those with whom he ought to have built relationships. Of course, this conception is related to the Court's exclusive focus on African countries during its first decade of operations, but it may also have to do with what some observers call Moreno-Ocampo's 'reckless statements'.⁷² Now that the ICC has its first African prosecutor, Fatou Bensouda, whose election was supported by the AU, it will be interesting to see if this leads to an improvement of the relationship between the ICC and the AU. After all, divisions are not merely a product of clashes between institutions, but also reflect the interactions between individuals who represent these institutions. Although there are no good reasons to believe that Bensouda will be more lenient towards African leaders,⁷³ the installation of a new prosecutor may thus promote a better working relationship between the ICC and the AU.

Conclusions

As noted by Albie Sachs, a justice of the Constitutional Court in South Africa, 'there is nothing continentally-specific about crimes committed during conflict'.⁷⁴ The fact remains, however, that the ICC has so far focused only on conflicts in African countries. Accordingly, the Court can be criticized for neglecting to prosecute international crimes committed elsewhere in the world, and perhaps for being overly influenced by geopolitical concerns in its approach to justice for mass violence. Analysing such criticism, it should of course be emphasized that many of the ICC interventions on the continent are based on the governments' own requests. The claim that the ICC is an instrument of countries in the West to control Africans should therefore be assessed with some caution, though of course we should pay attention to the factors that inform prosecutorial policies, and any failure of the Court to investigate crimes committed by powerful states or their allies on political grounds should be a matter of concern. While the new prosecutor appears to endorse the position taken by her predecessor that the Court simply intervenes where the law so requires, it remains a fact that the Rome Statute offers only limited guidance with respect to the selection of situations for investigation. To create a Court that is seen as less biased in its interventions it would be helpful to create more consensus and clearer guidelines concerning the criteria that should inform the ICC's selection of situations for investigation.

A further—but somewhat opposed—concern is that the Court can be instrumentalized by African governments to promote their own agenda, including eliminating, or delegitimizing, political opposition. This is even more problematic given that governments that have referred situations to the ICC prosecutor have themselves been accused of sponsoring international crimes. While the Court may have been prompted by the need to ensure government co-operation in its first cases, the perception that the ICC is selective and sides with those in power

presents a serious threat to the legitimacy of international justice. In this regard, it remains a challenge that neither the Rome Statute nor prosecutorial policy papers can fully explain how the suspects, typically among many, should be selected. Developing a clearer framework for suspect selection may thus present a starting point for overcoming perceptions of bias, though this may not be sufficient for preventing political leaders from instrumentalizing international justice to serve a political agenda.

Furthermore, as has been indicated in this chapter, there are no easy answers to the peace versus justice dilemma. While international justice may in some cases deter potential offenders and in other ways contribute to preventing new abuses, in other cases there *are* real tensions between simultaneously prosecuting those responsible for international crimes and securing a peaceful transformation. One key lesson from the Court's first decade of operation is that we cannot separate international justice from politics and peaceful change; the ICC has—and will continue to have—a highly complex relationship with peace and security, which should not be ignored either by the Court or its observers. Hence, a way forward may be to create prosecutorial policies which to a greater extent emphasize that potential ICC interventions must be assessed against their expected impact on the goal of preventing a continuation or recurrence of violent conflict, an assessment that could possibly be undertaken by independent experts.

Finally, while the ICC is indeed an important institution, it must be recalled that the Court is only one piece of the wider transitional justice puzzle. Though international justice can present a useful component of transitional justice, achieving justice, peace and reconciliation is something that takes much more than prosecuting a few repressive leaders or war criminals.

Notes

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Africa, refugees and internally displaced persons

Kwesi Sansculotte-Greenidge

Introduction

In the vast majority of cases, the movement of refugees and internally displaced persons (IDPs) is a complex and often chaotic affair. The events prior, during and after their flight leave them scarred both emotionally and physically. In addition to mental trauma, they suffer from the very real loss of country, community, family, prestige, dignity and property. Social bonds and familial relations are often torn asunder; as a result, displacement can become the focus for far-reaching social and cultural change and upheaval. The issue of refugees and IDPs in Africa, collectively known as forced migrants, is a controversial one for the continent. Distinct from economic migrants, forced migrants represent the bulk of population movements on the continent. While the former pertains to migrants who leave their respective country of residence and settle elsewhere in search of economic opportunities or employment, the latter refers to population movements caused by social and political upheavals including, but not limited to, armed conflicts, human rights violations, natural disasters, etc.¹ The key feature of refugees and IDPs is the involuntary nature with which they leave their communities and home states. Forced migrants differ from voluntary migrants since they leave their homes because of changes that make it impossible for them to reside there without fear of death or persecution. As Kunz contextualizes it, while immigrants are *pulled* or attracted to the new lands by opportunities, forced migrants on the other hand are *pushed* out of their homelands.²

In the most basic terms Africa is home to two categories of victims of forced displacement: refugees and internally displaced persons; both, however, are victims of the continent's failure not only to protect its citizens from persecution but, more importantly, Africa's inability to find durable solutions to conflicts. Official responses to displacement by both the international humanitarian community (donors, the United Nations (UN) agencies and implementing partners) and national governments have long been informed by a combination of political priorities and rights-based imperatives. Where the two are mutually reinforcing official responses to displacement can be rapid, well-resourced and effective. When rights and political priorities conflict, humanitarian principles are often compromised in the pursuit of short-term or national interests.³

The refugees and IDPs affected by forced displacement can be found in three different situations: emergency, initial and protracted displacement. *Emergency situations* occur when people are forced by conflict, violence, or persecution to leave their places of habitual residence or decide on their own to flee the dangers of conflict and move elsewhere in search of safety in

large numbers within relatively short periods of time. *Initial displacement*: in some situations, displacement may last only a few weeks or months but in most cases people will remain in displacement for some time. *Protracted situations* are IDP or refugee situations that, in addition to their prolonged nature, exhibit two key characteristics: the process of finding durable solutions have stalled; and the displaced are marginalized as a consequence of violation or lack of protection of human, economic, social and/or cultural rights.

Legal dimensions

The status and definition of who is a refugee or IDP is determined by international and regional legal frameworks. The 1951 UN Convention of Refugees was the first legally binding treaty for displaced groups. Specifically the 1951 Refugee Convention relating to the Status of Refugees and its 1967 Protocol defines a refugee as:

any person who lives outside his own country and is unable or unwilling to return to his/her country or to avail him/herself to the protection of his/her government because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.⁴

The 1969 Organization of African Unity (OAU) Refugee Convention broadens this definition to include any person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his/her country of origin or nationality, is compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality (article 1(2)). Thus, the 1969 OAU Convention was very much a document steeped in the politics of anti-colonialism and struggles against white minority regimes. In West Africa the provisions of the five protocols relating to the Free Movement of Persons, Residence and Establishment adopted by the Economic Community of West African States (ECOWAS) in May 1979 opens opportunities for solutions to refugees from one member state residing in another by determining that ‘the Community citizens have the right to enter, reside, and establish in the territory of member states’.⁵

The rights of IDPs have been compiled in the 1998 UN Guiding Principles on Internal Displacement.⁶ The Guiding Principles identify IDPs as ‘persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border’. However, while not binding in themselves, the Guiding Principles are based upon and reflect international human rights and humanitarian law.⁷ They have been recognized by the 2005 Summit Outcome documents and the UN General Assembly as an ‘important international framework for the protection of internally displaced persons’.⁸ Forced displacement within one’s home state, however, does not confer the same legal status as becoming a refugee. IDPs remain citizens or habitual residents of their home state and are entitled, though rarely allowed, to enjoy the rights available to the population as a whole. Another regional milestone was reached with the adoption by the African Union of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa in Kampala on 22 October 2009.⁹ The Kampala Convention builds very much on the UN’s Guiding Principles on Internal Displacement and is carefully worded to promote regional and national measures to prevent and mitigate

the negative impacts of internal displacement. The convention also seeks to provide durable solutions.

In spite of these legal protections it is often much easier for the UN and other aid agencies to provide assistance to refugees than it is for them to assist IDPs, because in many instances individuals are actually fleeing their own governments. In such cases governments may obstruct the flow of aid or even commandeer aid for their own purposes, as in Somalia during the early 1990s. As a result refugees often have better legal protection and better access to aid. This holds true not only for Darfur and Somalia but also in most situations of displacement, as Barbara Hendrie's work on refugees in IDPs and refugees in Ethiopia highlights.¹⁰ In the mid-to-late 1980s refugees from Tigray fled war in Ethiopia and moved to Sudan with little-to-no external assistance as the province was a military theatre. Those in government-controlled regions of the Ethiopian province had some access to aid but those in rebel-held areas were forced either to fend for themselves or make the dangerous journey to the Sudan, where they could receive some international support.¹¹ Thus, while there exists a body of legal instruments regulating and defining 'refugees' at both the international and regional level, it is in the implementation of these instruments that the continent faces its most severe challenges.

A game of numbers

The current number of displaced peoples assisted by the UN's refugee agency (UNHCR) is estimated at 27.1 million IDPs and 15.6 million refugees. While refugee numbers have dropped, the actual decrease has been negligible; however, there has been a 4% rise in IDPs and a huge fall in returning refugees—to the lowest level in 20 years.¹² At the beginning of this decade sub-Saharan Africa was home to over 2 million UNHCR-recognized refugees, a significant reduction from the 3.4 million in 2000.¹³ While some of this reduction is a result of large-scale repatriation, local integration of thousands of refugees in host countries has also contributed to the reduction in numbers.¹⁴ Proceeding almost simultaneously to these processes of repatriation, escalating conflicts, persecution and humanitarian crises are causing new refugee and IDP movements, most notably in Sudan, the Democratic Republic of the Congo (DRC), Somalia, and more recently Libya and Côte d'Ivoire. Aside from refugees and IDPs, sub-Saharan Africa is also experiencing a crisis in terms of asylum seekers. The region registered 420,000 individual asylum-seekers in 2009, more than half of them in South Africa, which has the largest number of asylum applications world-wide and three times higher than that of the USA, the number two destination.¹⁵

The majority of refugees and displaced persons in Africa are victims of armed conflict. African states that have the largest numbers of IDPs include: Sudan, the DRC, Somalia, Uganda, Côte d'Ivoire, the Central African Republic (CAR) and Kenya.¹⁶ The UNHCR's budget for sub-Saharan Africa was US\$1.12 billion in 2010. The budget for the region in 2011 totals some \$1.5 billion.¹⁷ However, with an increase in the number of IDPs, a widening gap has been developing between the needs of displaced people and official responses. It is somewhat troubling that this gap has developed at precisely the same time that conflicts have become more complex in the region. As a result in many cases of displacement, communities are forced to come up with their own solutions to the problems confronting them. In the majority of cases of displacement in the Horn a dual approach has been adopted, with displaced peoples utilizing assistance from external actors to supplement their own strategies for survival.

African responses to an African problem

South Sudanese scholar and leading expert on displacement Francis Deng cites internal and ethnic conflicts as the main causes of forced migration in Africa.¹⁸ Milner goes further to argue that while migration has been a key feature of the continent's history, it was not until the advent of the anti-colonial struggle that forced migration came to the fore.¹⁹ However, it was the transatlantic slave trade that marked the beginning of the epoch of forced migration on the continent. Though the system, as part of Wallerstein's 'world system', laid the foundations for the development of the capitalist world economy, its benefit to Africa was negligible.²⁰ The second current of forced migration on the continent came from the colonial policies in settler states (Algeria, Southern Africa, Kenya and, to a lesser extent, Libya, Eritrea, etc.). In these states colonial regimes and white settlers colluded to expropriate lands of entire communities. Displaced communities were purposefully resettled on infertile land that could not support large communities to create a labour reserve, in a sense creating the first African proletariat.

National policies on refugees can be categorized into two distinct periods, each with their own overriding logic and purpose. The first can be seen as an extension of the pan-Africanist politics that characterized the early independence era. During this period African states recognized refugees as products of liberation struggles against colonial or white minority regimes. The situation during this time was characterized by high levels of host community support for efforts to assist internally displaced persons and refugees—often justified through pan-Africanism, anti-colonial and anti-minority regime solidarity. During this period the international community through the offices of the UNHCR and international non-governmental organizations provided substantial amounts of assistance. These same bodies were also actively involved in finding solutions to displacement with a particular emphasis on the local integration of refugee populations.²¹ The various host countries not only tolerated refugees but, contrary to internal law, armed and trained refugees to 'take the fight to their home states', so to speak. The consequences of such activities include cross-border attacks on both host states and countries of origin and on humanitarian personnel, refugees and civilian populations, as was the case for many communities in Southern Africa as their governments supported the struggle against white minority rule. As a result, cross-border flows are still viewed with some suspicion by many states. Some movements are perceived by host states as encroachments on their national sovereignty, especially given the tenuous control of many central governments over their border regions, such as with Darfur refugees in Chad. This support to refugees involved in armed struggle for independence continued despite the reprisals from regimes concerned, particularly in Southern Africa. After the independence of these countries and the demise of the white minority regimes, the moral and political imperative for supporting refugee populations dissipated.²²

The so-called golden age of refugee and IDP policy, like so many things, came to an end with the end of the Cold War. By the 1990s a combination of economic stagnation and increased democratic competition meant that policy and practice were characterized by a retreat from the fundamental principles of asylum, international refugee law and the abrogation of the host states' responsibilities to protect forced migrants. Rather than welcoming them as comrades, states increasingly introduced restrictive measures to stem the flow of forced migrants and to remove such populations from within their territories. During this time there was a drive by African states to frame the rights or interests of states and host populations, couched in notions of citizenship, as more important than refugee rights. Several studies on the change in the refugee policy in Africa in the 1990s argue that the change was caused by the introduction of structural adjustment programmes (SAPs) and other economic restructuring policies of the World Bank and the International Monetary Fund in the 1980s.²³

Beginning in the early 1990s, the international community's engagement with refugees has primarily had a dual focus. First, to provide assistance to recently displaced populations in a timely manner by delivering humanitarian assistance to refugees and war-affected populations. The second focus has been on repatriation. Brought on by geopolitical changes during the early 1990s, the push for repatriation in international refugee policies and in UNHCR policies and programmes has had profound impacts. While international support for the emergency situations is commendable, it is somewhat counterproductive, given the fact that over two-thirds of refugees in the world today are not in emergency situations but instead are trapped in protracted refugee situations.²⁴

The current state of affairs

Currently the vast majority of forced migrants in Africa are fleeing their own governments or forces bent on overthrowing these polities, not colonial or settler regimes. The primary cause of forced migration and displacement is the inability to deal with African conflict situations promptly; this has resulted in what can only be described as *protracted displacement situations*. UNHCR defines a protracted refugee situation as one in which 25,000 or more refugees of the same nationality have been in exile for five years or longer in any given asylum country. Based on this definition, it is estimated that some 7.2 million refugees were in a protracted situation by the end of 2010. The 7.2 million refugees were living in 24 host countries, accounting for a total of 29 protracted situations globally.²⁵

Jamal Arafat argues that 'protracted refugee situations are neither natural nor inevitable consequences of involuntary population flows; they are the result of political actions, both in the country of origin (the persecution or violence that led to flight) and in the country of asylum'.²⁶ While some scholars²⁷ would argue that displacement populations are key causes of continuing conflict and instability since they obstruct peace processes and undermine attempts at economic development, I would argue that they are merely a symptom of the international systems to act decisively to rectify the situations that necessitated their flight. The interesting feature of these protracted situations in Africa is that for many displaced persons, particularly IDPs, while in exile their lives may no longer be at risk since the removal or containment of the civilian is often the purpose of the military activity that drove them from their homes. What ensues is an extended period, of decades in some cases, where their basic rights as citizens and essential economic and social needs are infringed upon.

Africa hosts the most complex and pressing protracted refugee situations. The majority of African refugees have been in exile for over 10 years. These include Burundians, Liberians, Eritreans, Somalis and South Sudanese. Kenya and Tanzania have two of the most challenging protracted refugee situations in Africa. Kenya has hosted a significant number of Somali and Sudanese refugees since the early 1990s, while Tanzania has hosted hundreds of thousands of refugees fleeing successive wars in Burundi and Rwanda since 1959.²⁸ Notwithstanding repatriation successes in, namely, Namibia, Mozambique and Rwanda, refugee populations from the Mano River region, Burundi, Somalia and Sudan remained unaddressed, placing a significant strain on host governments and communities.

Though there are numerous cases in which host communities continue to show solidarity and provide assistance even when governments and international actors are absent, the example of Mozambicans living along South Africa's eastern border regions is perhaps the clearest example of what is possible when there are well-established trade or ethnic connections between hosts and the displaced. There are even more cases, usually less publicized, of host communities organizing to exclude foreigners from livelihoods, social services and even territory. Indeed, a tendency towards exclusionary, often xenophobic, practices has become one of the hallmarks of contemporary responses to displacement. From riots in South Africa to the expulsion of Arabs in Niger, refugees and migrants have become political scapegoats across the continent.

The reasons for the shift in host community acceptance of refugees must be understood in light of the fact that refugees and IDPs sometimes impose a heavy burden on host communities. They can place a huge strain on the already limited existing basic services and resources. However, displacement may also have positive impacts. In cases where IDPs and refugees are allowed to obtain gainful employment and access to basic services, displacement may contribute to economic growth benefiting both the displaced and the host communities. Finding economically and socially sustainable solutions to displacement situations therefore constitutes a significant development challenge for the countries with refugees and IDPs. More so in Africa, since as pointed out by Adepoju, 'the poorest countries in Africa have had to bear the heaviest burden imposed on them in the shape of refugees'.²⁹ Additionally, because of prolonged insecurity, many people, mostly young, active and intellectual, left Africa and settled in more stable countries; thus the continent suffered a double loss due to forced migration, by forcing productive people out of their homes and compounding the brain drain.

Conclusion

Around the world millions of refugees and IDPs struggle to eke out a living in squalid camps and urban communities in some of the most insecure and poverty-ridden parts of the world. For most of these individuals displacement is looking more like a lifelong affair. In fact, the vast majority of the world's current refugees have been in exile for closer to a decade, rather than the past norm of a few years. Such situations continue to constitute a growing challenge for the international refugee protection regime and the international community. Displacement triggered by conflict creates not only the initial humanitarian crisis, but it also retards political and development progress, especially in poor and conflict-affected states. Protracted displacement situations also leave lasting long-term negative impacts, including retarding human and social development, economic growth, poverty-reduction efforts and environmental sustainability.

Forced displacement in many cases leads to increased vulnerability through the lack of familiarity with an entirely new environment and lifestyle and to negative coping mechanisms. However, it may at times also offer new opportunities for the acquisition of new skill sets and new opportunity for resource accumulation that can make a positive contribution to a durable solution in either exile or upon return. It should be noted that educational or health conditions during the period of exile may be better or worse compared to the place of origin of those displaced, so some refugees and IDP may for the first time have access to a proper formal education. Finding economically and socially sustainable solutions to displacement situations therefore constitute a significant challenge for the host countries as well as for the international community. Finding durable solutions to forced displacement in Africa is key to meeting the Millennium Development Goals (MDGs), since displaced populations tend to be the poorest and often experience particularly difficult access to basic services.

The lack of both an international and continental approach to dealing with refugee populations and the security situations that caused their displacement has meant that programmes of assistance designed to be temporary measures are increasingly becoming semi-permanent features of the continent's humanitarian landscape. In the Horn of Africa humanitarian assistance policies are shaped less by the changing nature of conflict or the needs of the displaced than by the interests of the region's states.

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The Responsibility to Protect and Africa's international relations

Adam Branch

Introduction

The Responsibility to Protect, or R2P, today finds itself invoked widely among international policy makers as well as academics,¹ and Africa is the region with which it has been most closely identified. Edward Luck, special adviser to the United Nations (UN) Secretary-General, has declared that 'the responsibility to protect really came from Africa and the African experience',² and 'emerged, quite literally, from the soil and soul of Africa'.³ Three-quarters of the 'crises' listed on the website of the International Coalition for the Responsibility to Protect are in Africa,⁴ analysts have located an incipient R2P in Article 4 of the African Union's Constitutive Act,⁵ and R2P has been represented as fulfilling the promise of 'never again' coming out of the failure to intervene in the Rwandan genocide.

This chapter questions this conventional wisdom on R2P and Africa. It locates R2P's precipitous rise not in a supposed organic relation to the continent, but in its inherent ambiguity, which makes it politically useful for a range of different projects by both African and Western political actors. Because of these many ways in which R2P has been used in practice, it is more useful to bypass the often hyperbolic claims of R2P's supporters and detractors and to look instead to concrete cases in which R2P has been invoked—specifically Darfur, Kenya and Libya—and tentatively to abstract from those. Ultimately, the chapter concludes that in the context of Africa's international relations with the West, there is, in fact, little that is new about R2P and, moreover, what is new is in fact more dangerous than beneficial.⁶

What is R2P?

The popularity of R2P has come about despite fundamental disagreement on what R2P is. Among its proponents, it has been called variously a norm, a doctrine, a concept, an idea, a principle, a framework, or a lens, while among its critics it has been less charitably identified as an excuse, an ideology, a fad, a buzzword, or an empty slogan. Uncertainty is compounded by the lack of a definitive statement on R2P. The first major instance of its articulation was the 2001 International Commission on Intervention and State Sovereignty (ICISS) report. It was followed by the 2004 UN High-Level Panel on Threats, Challenges and Change report, *A More Secure World: Our Shared Responsibility*, the 2005 Secretary-General's report, *In Larger Freedom*, the 2005 World Summit Outcome Document, in particular Paragraphs 138 and 139, and the 2009 Secretary-General's report, *Implementing the Responsibility to Protect*.

Later articulations of R2P have given more emphasis to prevention over coercive intervention and have narrowed the situations in which R2P is concerned with genocide, war crimes, crimes against humanity and ethnic cleansing, but all tend to agree on the core idea that states have the primary responsibility to protect their populations, that the ‘international community’ has the responsibility to support those states so that they can fulfil that responsibility, and that when states prove unable or unwilling to protect their populations, the responsibility to protect passes upward to the international community. This international responsibility to protect, in the words of the ICISS report, thus entails three ‘specific responsibilities’: the responsibility to *prevent*, by addressing ‘both the root causes and direct causes’ of crises; the responsibility to *react* to ‘situations of compelling human need’ by employing ‘appropriate measures’, including military intervention; and the responsibility to *rebuild*, which will help address ‘the causes of the harm the intervention was designed to halt or avert’.⁷

The doctrine is notoriously short on details, however. The threshold at which responsibility shifts to the international community is not specified, and neither are the strategies through which R2P will be realized in different situations. With increasingly expansive formulations of R2P, according to which it will prevent, react and rebuild, work with, pressure and coerce states, address root causes and avert the recurrence of conflict, there ends up being little that is *not* included among the instruments that may be legitimately used in the name of R2P, from psycho-social support to predator drones, from development aid to diplomatic pressure, from direct budgetary assistance to invasion and occupation, from traditional reconciliation to international criminal prosecution.⁸ As Michael Barnett puts it, these expansive formulations of R2P can come ‘dangerously close to justifying any and all forms of intervention by the “international community” if it can be plausibly connected to harm reduction’, and appear to justify ‘a world of indefinite and intensive interventions’.⁹

This expansiveness gives rise to an inherent problem for R2P: although there may be agreement that civilians should be protected, or even that there is a responsibility to protect, there is little agreement on what that responsibility means or how protection should be carried out. As Luck puts it, ‘UN member states are united in their support for the goals of R2P but less so on how to achieve them’.¹⁰ Even one of R2P’s most vocal academic supporters admits that ‘It is seldom—if ever—clear what RtoP requires in a given situation’.¹¹ Luck characterizes this flexibility as an advantage for R2P; however, what it has meant in practice is that although there may be agreement that something should be done to assist civilians, there may be no agreement on what the strategy is for fulfilling that responsibility and no grounds upon which to judge the validity of competing claims. As the set of tools employed in the name of R2P expands further, so will this fundamental indeterminacy.

Moreover, Luck’s confidence in the consensus on R2P should not obscure the significant resistance the concept has faced. Although all UN member states agreed to the 2005 World Summit Outcome Document, that consensus was hard fought and hid fundamental disagreements that came out in the subsequent ‘push-back’ against R2P by African states and others.¹² In the last couple of years some of the overt resistance to R2P has diminished,¹³ but fundamental disagreement over what it means in practice remains.¹⁴

New wine, old wine in new bottles, or old bottles?

Given the lack of clarity over what R2P is, and especially over what it implies in practice, it is not surprising that there is intense controversy over its political meaning for Africa. On the one hand, some argue that there is nothing new about R2P. Its critics can claim that R2P represents just the latest excuse for Western intervention and aggression—and it is not even new in that sense, considering that ‘protection’ was the justification frequently given for intervention during

the colonial period.¹⁵ Conversely, some sympathetic to liberal intervention have also argued that R2P is not new, but is simply a restatement of existing international legal norms and a commitment to existing tools of peace-building, state-building, capacity-building, conflict prevention and diplomacy. If anything, it has been argued, R2P is only a semantic shift, through which the range of concerns that used to be ranked under human rights, human security, or peace-building are now called R2P—it ends up being a coefficient that can be factored out. The existence of R2P thus does not have an independent effect on policies, it is argued, and any invocation of R2P to justify action could be replaced by some other humanitarian claim.

However, there are many who do see something new—whether newly pernicious or newly promising—about R2P in terms of what it makes possible. Some critics argue that R2P is an attempt by powerful Western states to dismiss the need for Security Council authorization in the use of force. Thus, they draw a direct line from Kosovo, through R2P, to Iraq. R2P has also been criticized as representing an intensified liberal interventionist agenda—one in which, in the name of prevention and state capacity-building, intervention into all domains of life and politics in ‘fragile’ states is justified, with damaging consequences for peace and democracy.

R2P's supporters tend to argue that it represents a commitment to what Alex Bellamy and Paul Williams call a ‘new politics of protection’.¹⁶ While this new politics of protection may not break new legal ground, they say, it does break new political ground by focusing states, international organizations and peoples on the core need to protect civilians under threat and on the steps that may be legitimately taken to carry out that mandate. From this perspective, the semantic shift does matter because it gives new emphasis and clarity to all existing forms of diplomacy, intervention and even politics. According to Luck, R2P, ‘if nothing else, is likely to raise the political costs of blocking R2P action, especially in the face of unfolding genocide’.¹⁷ Those who emphasize the prevention dimension of R2P argue that even if its impact on specific crises is hard to measure, it will have a positive impact in terms of a ‘long-term agenda that involves changing cultures and identities’.¹⁸ According to this position, the success of R2P can better be discerned through what does *not* happen, rather than what does—a self-serving mode of assessment that does not admit of empirical verification.

Given this debate, the rest of the chapter asks if, in the context of Africa's international relations with the West, there is in fact anything new about R2P, and if so, how R2P is redefining or restructuring Africa's international relations. As mentioned, it will do so through three brief case studies of situations that have defined the practice of R2P in Africa: namely, the war in Darfur, post-election violence and the political settlement in Kenya, and the Security Council-authorized North Atlantic Treaty Organization (NATO) intervention in Libya.

R2P in Darfur: a failure for R2P?

Commentators have pointed out that R2P was widely used at the international level to frame the debate over how to respond to the conflict in Darfur. R2P appeared—albeit obliquely—in Security Council Resolution 1706 (2006), which authorized the deployment of UN peacekeepers in Darfur and, in doing so, recalled Resolution 1674 ‘on the protection of civilians in armed conflict, which reaffirms *inter alia* the provisions of paragraphs 138 and 139 of the 2005 United Nations World Summit outcome document’.¹⁹ From 2006 onwards, R2P was invoked in a series of resolutions passed by the European Union (EU) parliament with reference to Darfur, which variously called on Sudan, the UN and other actors to fulfil the responsibility to protect.

R2P was also heard in threats made by Western ‘liberal hawks’ who sought more direct and coercive military intervention in Darfur.²⁰ Susan Rice, the present US Ambassador to the UN, for instance, in 2007 used R2P to justify the threat of a US bombing campaign against Sudan

and the call for an invasion of Darfur without Security Council approval,²¹ dismissing possible legal challenges by citing R2P:

Still others insist that, without the consent of the UN or a relevant regional body, we would be breaking international law. Perhaps, but the Security Council last year codified a new international norm prescribing ‘the responsibility to protect’. It commits UN members to decisive action, including enforcement, when peaceful measures fail to halt genocide or crimes against humanity.²²

Despite aggressive demands for military intervention in the name of R2P, however, such an intervention failed to transpire, and it was largely for this reason that among many R2P supporters, ‘in relation to Darfur, RtoP is typically rated an abject failure’.

Other analysts caution against identifying R2P too closely with military intervention and argue that R2P did play a productive, even if ultimately inadequate, role. As two commentators argue, although the peace-keeping missions in Darfur ‘were not explicitly deployed to implement R2P ... their mandate provisions to protect civilians came as a response to the ongoing debate about the need for the world to show commitment to R2P’,²³ and ‘R2P language did help to keep high-level international attention on the conflict’.²⁴ However, they conclude that R2P nevertheless failed to generate ‘the necessary political will to protect the innocent civilians of Darfur’.²⁵ Paul D. Williams agrees, explaining that although R2P was invoked extensively in the debates over Darfur, ‘it was also clear that the R2P principle was not clearly conceptualized or operationalized by actors with the power to make a significant difference on the ground’.²⁶

In short, the availability of R2P was unable to facilitate a military intervention without Security Council authorization—something that *had* happened in Kosovo without R2P. Further, the peace-keeping missions that were deployed were entirely within the normal pattern for the UN, seeking and acquiring the consent of the Sudan government. It seems likely that genocide language, not R2P rhetoric, played the greatest role in focusing attention on Darfur.²⁷ For these reasons, it is hard to maintain that R2P itself had an impact on the response to Darfur—only occasionally on the words that were used to justify that response.

In fact, R2P was also used by those who opposed international military intervention in Darfur. They argued that R2P, instead of mandating that the responsibility to protect be taken up by NATO or the USA, was still the primary responsibility of the Sudanese state, or at most the African Union (AU).²⁸ From this perspective, the response to Darfur could even be represented as an R2P success, especially if the argument that the AU peace-keeping mission effectively stopped the worst violence is taken into account.²⁹ Finally, there was a challenge from some states to the idea that R2P should be applied to Darfur at all.³⁰ Given this disagreement, the assertion that there was a consensus on the validity of R2P’s application to Darfur and on what that application should mean in terms of policy is not sustainable.

Thus, although some frame international involvement in Darfur as displaying ‘the limits of R2P’, it seems an unfair burden to place on R2P.³¹ To term the international response to Darfur a failure implies that there was a course of action clearly mandated by the R2P doctrine in the case of Darfur—which there was not.³² The idea that Darfur represents the failure of R2P ignores the fundamental controversy within the UN, the AU and elsewhere over the validity of applying R2P to Darfur and over the mode of its operationalization—controversies that did not derive from the cynical abuse or misuse of R2P by some states and actors, but were enabled by the fundamental indeterminacy of R2P itself in terms of where it should be applied, how it should be applied and by whom.

The deployment or even existence of R2P as a doctrine does not seem to have changed the way in which the West engaged with Africa around Darfur, and thus seems to have done little to transform Africa's international relations with the West. In Darfur, R2P's flexibility and indeterminacy led it to be used as a way of lending legitimacy to policies that themselves were not influenced by the presence of the R2P doctrine. To its proponents, however, the international response to Darfur signalled a crisis for R2P, and it was to Kenya that the responsibility to rescue R2P would fall. There, the success of R2P would not be identified with what it enabled, but with what it prevented, as the violence that failed to happen was turned into a success for R2P—but only by representing it as such in retrospect.³³

R2P in Kenya: seeing success

I saw the crisis in the R2P prism with a Kenyan government unable to contain the situation or protect its people. I knew that if the international community did not intervene, things would go hopelessly wrong. The problem is when we say 'intervention', people think military, when in fact that's a last resort. Kenya is a successful example of R2P at work.³⁴

The choice of metaphor by Kofi Annan is revealing: R2P was a 'prism' through which he saw the situation in Kenya, and thus the mediation effort, insofar as it was successful, was also seen as a success for R2P. R2P was cited by some UN officials in the early days of Kenya's post-election violence, and Luck claimed that the UN 'decided to apply R2P criteria and to really make it the focus of the efforts there'.³⁵ However, most commentators would probably agree with the International Coalition for the Responsibility to Protect that 'the situation was only labeled an RtoP situation retrospectively',³⁶ or with a senior vice-president of the ICG that the presence of R2P was 'in the background, unstated until after the fact'.³⁷ However, once the equation of the international response to Kenya with R2P was made, it was soon entrenched. Human Rights Watch termed the mediation effort 'a model of diplomatic action under the 'Responsibility to Protect' principles';³⁸ R2P was given credit for motivating the international mediation effort and perhaps preventing genocide;³⁹ and 'the first use of R2P' was said to have provided 'an entire nation a respite from widespread violence for two full years',⁴⁰ and proved 'that the responsibility to protect can work'.⁴¹

However, it is difficult to demonstrate convincingly that the availability of R2P changed the way that the mediation effort in Kenya took place, given that the effort appears little different from other such efforts. Even if the mediation is labelled an R2P action, it is impossible to prove that R2P was responsible for preventing further violence or preventing genocide from 2008 onward. There is little reason to think that the mediation would not have occurred, or would have turned out less successfully, if the doctrine of R2P had not been floating around in the international arena. While it is hard to disprove the argument that an event occurred because of the general ethos—here, an ethos of civilian protection—it is very hard to prove it as well. As a result, some of R2P's supporters face a quixotic effort to prove its existence, as is seen when Luck argues that in practice, R2P does things such as to 'amplify demands', 'bolster efforts', 'enhance', 'strengthen existing efforts', 'identify gaps', 'reinforce', provide an 'integrated framework' and 'bring added value'.⁴²

The endeavour to identify R2P successes—or even to prove its existence—faces a dilemma: focus too much on military intervention to protect civilians, and R2P's fate will be hinged on the West's willingness to commit military force and use it responsibly—a recipe for failure; or dissociate R2P from coercive intervention and identify it with a full array of prevention

mechanisms, and the indeterminacy of R2P increases to the point that it threatens to lose its substance and become just a semantic shift or a visual trick—a prism through which to see already existing policies and initiatives, rendering the existence of R2P obvious to those who believe in it, but invisible to those who do not.

So perhaps it is less what R2P did for Kenya than what Kenya did for R2P: Kenya briefly rescued R2P by way of the claim that R2P had rescued Kenya. R2P continues to be invoked with reference to Kenya: since the end of the violence, calls are heard for further intervention into Kenya's politics in order to resolve the root causes of the violence and prevent it from breaking out during the next election cycle. As Desmond Tutu said, 'my hope is that in the future, the Responsibility to Protect will be exercised not after the murder and rape of innocent people, but when community tensions and political unrest begin'.⁴³

R2P in Libya: the testing ground

This imminent escalation of violence was precisely what R2P proponents saw in Libya in early 2011. As Qaddafi's forces advanced on the rebel-held city of Benghazi, as Luck explains:

[S]omething that ... to us was very important, were the kinds of words that al-Qadhafi used to characterize the protesters. At the very beginning he called them 'cockroaches', which is exactly the word that was used in Rwanda against the Tutsis ... Later ... he started calling them rats and vermin, saying they had to be eliminated, there'd be blood flowing from the streets. So it looked like the possibility of quite a major bloodbath.⁴⁴

Libya was where the R2P doctrine could be put to the test.⁴⁵ It was invoked explicitly in Security Council Resolution 1973, which reiterated 'the responsibility of the Libyan authorities to protect the Libyan population' and authorized 'Member States ... to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack ... while excluding a foreign occupation force of any form on any part of Libyan territory'. In the words of Ramesh Thakur, R2P was the key element in making the intervention possible, representing 'a powerful new galvanizing norm' that 'gave Obama the necessary intellectual and normative tool to act'. 'Had the international community shirked this responsibility', he concludes, 'Libya could have become R2P's graveyard'; instead, 'R2P is closer to being solidified as an actionable norm'.⁴⁶ Although the intervention in Libya does present the best evidence of R2P having an impact upon Africa's international relations with the West, what it reveals is not R2P's new beneficial potential, but rather the danger stemming from the indeterminacy of R2P. Indeed, in Libya, once again, as Luck puts it in a significant understatement, 'the principle was agreed upon ... [but] there were some differences on the tactics on how to go about it'.⁴⁷

There are three areas in which R2P's impact can be identified. First, although R2P supporters may hold up the Libya intervention as a model of productive engagement with regional organizations and of using military means only as a last resort, in accordance with R2P doctrine, critics have argued that the West used R2P to go around the AU and scuttle its peace process. There is controversy over the viability of the AU's peace mediation effort: Adekeye Adebajo says that Qaddafi 'thumbed his nose at AU efforts to find a diplomatic solution', and thus insists that 'Africans should back this multilateral intervention',⁴⁸ while Siba Grovogui argues that 'the AU's attempt to intervene in favor of a peaceful resolution so infuriated Western powers that they excluded it altogether', and decided 'unilaterally and as a matter of sovereign right that Libya was an Arab, not an African, state and, hence, the African Union had no authority'.⁴⁹ Thabo Mbeki, likewise, argues that the West's 'marginalization of Africa in terms of helping to

determine the future of Libya' may 'mark the moment of the asphyxiation of the dream of an African renaissance'.⁵⁰ Indeed, it is hard to forget the humiliation doled out by NATO to the AU mediation team as they were refused permission to enter the no-fly zone.

Whatever the viability of the AU's peace initiative, the decision to accept the pro-intervention Arab League as the relevant regional body and to marginalize the AU demonstrates that the relevance of regional organizations will be determined by their conformity to the plans of the major powers. It also shows that the decision as to when peaceful efforts have failed is at the discretion of the intervener. Again, it is not the manipulation of R2P but its inherent indeterminacy that is at the root of these problems.

Second, the intervention, in the name of R2P, led to significant civilian deaths and to the destruction of non-military infrastructure, for example television satellite transmitters, which were destroyed in order to end the 'use of satellite television as a means to intimidate the Libyan people and incite acts of violence against them'.⁵¹ The intervention included the arming of civilians and the militarization of political opposition, also in the name of civilian protection, a step explained by a 'senior French diplomatic source' as:

an operational decision taken at the time to help civilians who were in imminent danger. A group of civilians were about to be massacred so we took the decision to provide self-defensive weapons to protect those civilian populations under threat ... It was entirely justifiable legally, resolution 1970 and 1973 were followed to the letter.⁵²

Third, by arming and training rebels, sending in special forces and carrying out targeted strikes, the intervention eventually took as its objective the overthrow of the Qaddafi regime and the installation of the rebel leadership—again, in the name of protecting civilians. NATO's spokespersons had little difficulty justifying the overthrow of a sovereign government, arming rebels and civilians alike, and engagement in military campaigns and political struggles by invoking R2P. Again, this was enabled not by the abuse of R2P, but by its inherent indeterminacy: Resolution 1973 represented a *carte blanche*, and NATO used it as such.

Therefore, those African states that voted for 1973 and then denounced the NATO intervention for exceeding its mandate—for example, when Jacob Zuma argued that 1973 was 'being abused for regime change, political assassinations and foreign military occupation'⁵³—appear to be guilty of bad faith, or at best naivety. It seems that they had not wanted to make the tough political decision to vote against the resolution, despite its dangerous lack of clarity, but then, somewhat disingenuously, disavowed responsibility for the consequences of their votes.

The irresponsibility of those who voted for and then denounced the intervention is one aspect of a wider irresponsibility enabled by R2P. R2P allows states to engage in political and military intervention without having to justify those interventions on political or military grounds. R2P provided a fail-safe excuse to those seeking to intervene in Libya while also allowing them to refuse responsibility or accountability and to avoid declaring any overall goals or objectives other than an amorphous idea of protection.⁵⁴ Perhaps this could have happened without R2P, but R2P certainly made it easier.

The Libya intervention suggests that R2P's relevance for Africa's international relations with the West will be rooted in the doctrine's indeterminacy, its ability to be invoked in so many ways: it can be used to justify military intervention without Security Council authorization, to justify inaction until such authorization is obtained, or to justify the use of force by the Security Council itself; it can be used to justify arming rebels or disarming rebels; it can justify intervention or withdrawal; it can justify sending election monitors instead of bombers, or bombers instead

of monitors. It does this by making available an apparently formalized doctrine—complete with its own catchy abbreviation—which is, in fact, almost entirely deformalized.

Perhaps this reflects the West's current approach to Africa: one of occasional brutal violence combined with diffuse forms of politically deleterious intervention into wide aspects of African life; politically selective engagement combined with widespread disengagement in the name of participation and partnership; all with few measurable objectives and no accountability. R2P works well for this kind of agenda, which reveals not a coherent interventionist approach by the West in Africa, but rather diverse and often uncertain forms of intervention without accountability or responsibility. R2P has changed Africa's international relations with the West by making it easier for the West to intervene in any way it sees fit without accountability, but also not to intervene when they see fit, using R2P as an excuse.

It is an open question what lessons African policy makers, activists and peoples will draw from the Libya R2P intervention. From one perspective, it demonstrates that R2P will open the way to violence, to the marginalization and sidelining of Africa's own security mechanisms (unless they happen to be useful, in which case they will be exploited and then discarded), and to Africa becoming the target of paroxysms of high-tech violence. R2P can be used to justify intervention and then withdrawal and negligence, and Africa will be the one to pay the price of these irresponsible policies.

Conclusion: an African R2P?

This chapter has called attention to some of the conceptual problems with the argument that R2P has significantly restructured Africa's international relations with the West. It has also shown how, in the case where a possible impact is most apparent, R2P has led to damaging and dangerous consequences, consequences stemming from the fundamental indeterminacy of R2P, such that it can be invoked to justify a wide array of interventions, and opposed or even contradictory policies. This recognition about R2P's function in Africa's international relations with the West should give pause to those who argue, in terms of Africa's international relations inside the continent, that R2P should become the central norm in the construction of Africa's peace and security architecture. For one thing, it is still unclear what R2P is, and so a set of values or norms that are more formalized and can be more clearly operationalized and thus held accountable may be preferable to this ambiguous doctrine. Second, assuming that R2P's meaning is located in its minimum content of civilian protection, it should be asked if civilian protection is the central normative value that should motivate Africa's peace and security integration. Could protection be used as a justification for undemocratic regimes that claim to hold at bay the war of all against all? Can it provide a cover for militarization? Third, on a related note, there is the form that R2P takes—largely through top-down state, regional and continental security capacity, and institution, building. Where is the bottom-up dimension, where are Africa's peoples, where is solidarity and democracy? Might Africans be made victims of an R2P agenda, not its beneficiaries, in the name of the security needed to protect helpless civilians? Finally, there is the immediate question—how to take back the responsibility that has been arrogated by NATO, which has been taken from Africa, in the name of its own protection?

Notes

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- Orford, *International Authority and the Responsibility to Protect*, Cambridge: Cambridge University Press, 2011.
- 2 UN News Center, 'Newsmakers: Edward Luck, Special Advisor to the Secretary-General', 1 August 2011, www.un.org/apps/news/newsmakers.asp?NewsID=38 (accessed 4 September 2011).
 - 3 Quoted in Paul D. Williams, 'The "Responsibility to Protect", Norm Localisation, and African International Society', *Global Responsibility to Protect* 1:3 (June 2009): 397. See also Jeremy Sarkin and Mark Paterson, 'Special Issue for GR2P: Africa's Responsibility to Protect: Introduction', *Global Responsibility to Protect* 2:4 (October 2010): 339–52.
 - 4 Available from www.responsibilitytoprotect.org/index.php/crises (accessed 4 September 2011).
 - 5 Tim Murithi, 'The Responsibility to Protect, as Enshrined in Article 4 of the Constitutive Act of the African Union', *African Security Review* 16:3 (2007): 14–24.
 - 6 This chapter primarily discusses R2P in terms of Africa's international relations with the West and deals only briefly with R2P's role in Africa's international relations within the continent; for the latter, see the special issue of *African Security Review* 16:3 (September 2007); and the special issue of *Global Responsibility to Protect* 2:4 (October 2010).
 - 7 ICISS, *The Responsibility to Protect*, Ottawa: International Development Research Centre, 2001.
 - 8 For more on the history and politics of total intervention, see Adam Branch, *Displacing Human Rights: War and Intervention in Northern Uganda*, New York: Oxford University Press, 2011.
 - 9 Michael Barnett, 'On Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*', *Global Responsibility to Protect* 2:3 (June 2010): 309.
 - 10 Edward Luck, 'The United Nations and the Responsibility to Protect', *The Stanley Foundation Policy Analysis Brief*, August 2008, 2.
 - 11 Alex J. Bellamy, 'The Responsibility to Protect—Five Years On', *Ethics and International Affairs* 24:2 (Summer 2010): 161–62.
 - 12 Williams, 'The "Responsibility to Protect"', 401–3.
 - 13 Bellamy, 'The Responsibility to Protect—Five Years On', 145–48.
 - 14 Williams, 'The "Responsibility to Protect"', 413–16.
 - 15 This section benefited greatly from the debate among David Chandler, Siba Grovogui and Joe Oloka-Onyango at the Makerere Institute of Social Research Contemporary Debates Workshop on Political Studies, 20 May 2011, Kampala, Uganda, at which the author was present.
 - 16 Alex J. Bellamy and Paul D. Williams, 'The New Politics of Protection? Côte d'Ivoire, Libya and the Responsibility to Protect', *International Affairs* 87:4 (July 2011): 825–50.
 - 17 Luck, 'The United Nations and the Responsibility to Protect', 9.
 - 18 Bellamy, 'The Responsibility to Protect—Five Years On', 164.
 - 19 S/RES/1706 (2006).
 - 20 See William Pace and Nicole Deller, 'Preventing Future Genocides: An International Responsibility to Protect', *World Order* 36:4 (2005): 15–32; see also the reports by the International Crisis Group on Darfur, www.crisisgroup.org/en/key-issues/crisis-in-darfur.aspx (accessed 4 September 2011). For a trenchant critique of this tendency, see Alex de Waal, 'Darfur and the Responsibility to Protect', *International Affairs* 83:6 (November 2007): 1039–54.
 - 21 Susan E. Rice, 'The Escalating Crisis in Darfur', speech before the Spring Africa Speaker Series, SAIS, Johns Hopkins University, 21 February 2007.
 - 22 Bellamy, 'The Responsibility to Protect—Five Years On', 153. For an account of why military humanitarian intervention was not undertaken in Darfur, see Paul D. Williams and Alex J. Bellamy, 'The Responsibility to Protect and the Crisis in Darfur', *Security Dialogue* 36:1 (March 2005): 27–47.
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 - 26 Williams, 'The "Responsibility to Protect"', 408.
 - 27 Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror*, New York: Pantheon, 2009.
 - 28 Alex J. Bellamy, 'Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq', *Ethics and International Affairs* 19:2 (September 2005): 31–54.
 - 29 Mamdani, *Saviors and Survivors*.
 - 30 Williams, 'The "Responsibility to Protect"', 406–8.

- 31 Tim Murithi, 'The African Union's Transition from Non-Intervention to Non-Indifference: An Ad Hoc Approach to the Responsibility to Protect?', *Journal for International Relations and Global Trends* 1 (January 2009): 99.
- 32 Williams, 'The "Responsibility to Protect"'
- 33 As Bellamy puts it, 'Although RtoP was utilized in both cases [Darfur and Kenya], in neither did it provide a catalyst for decisive action'. Bellamy, 'The Responsibility to Protect—Five Years On', 155.
- 34 Quoted in Roger Cohen, 'How Kofi Annan Rescued Kenya', *The New York Review of Books* 55:13 (14 August 2008).
- 35 Quoted in Mark Schneider, senior vice-president of ICG, 'Implementing the Responsibility to Protect in Kenya and Beyond', address to the World Affairs Council of Oregon, Portland State University, 5 March 2010.
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- 41 Kofi Annan, 'Opening Remarks to the Opening Session of the Kenya National Dialogue: One Year Later', 30 March 2009.
- 42 Luck, 'The United Nations and the Responsibility to Protect', 4–8.
- 43 Tutu, 'Taking the Responsibility to Protect'.
- 44 UN News Center, 'Newsmakers: Edward Luck'.
- 45 Thomas Weiss, 'The UN has Proved its Worth in Libya and Ivory Coast', *The Independent*, 6 April 2011.
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- 47 UN News Center, 'Newsmakers: Edward Luck'.
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The African Union and the protection of civilians

Can Africa protect its most vulnerable populations?

Walter Lotze

Introduction

The African Union (AU) has since 2002 worked to embed notions of human security at the centre of what has commonly been referred to as the African Peace and Security Architecture (APSA), the continental framework used in the maintenance of peace and security in Africa. In many ways, the AU has made a dramatic break from the past in comparison with its predecessor, the Organization of African Unity (OAU). Indeed, whereas the OAU was often accused of defending and entrenching traditional notions of sovereignty and regime security, the AU has theoretically been empowered to reinterpret traditional sovereignty notions and, importantly, to replace an African security discourse previously dominated by notions of regime security with a discourse dominated by notions of human security.

This chapter will investigate the manner in which the AU has engaged with and internalized notions of human security with respect to two particular norms that have emerged over the course of the past decade, and which increasingly have come to inform decision making at the international level with regards to interventions in conflict situations where civilian populations are at risk, or indeed are directly targeted by belligerents, namely the Responsibility to Protect norm and the protection of civilians norm, as this has emerged in the context of modern peace support operations.

As will be highlighted, while African states have invested great potential in the AU, a disconnect exists between the support provided to both the responsibility to protect and the protection of civilians norms in the context of the United Nations (UN) and in the context of the AU by African states. In this regard, and as will be argued in this chapter, while much progress has been attained in developing the promise of providing greater levels of protection to civilian populations affected and targeted by violent conflict, much work remains to ensure that this promise is turned into practice, and that Africa's most vulnerable populations are better protected at their time of greatest need.

Embedding human security in an interventionist African security regime

When the OAU was transformed into the AU in 2002, many hoped that the organization would shift from promoting regime security to defending human security. The Constitutive Act tasked the new AU with a range of objectives related to the political, social and economic integration of the African continent, the promotion and advancement of human rights, regional integration, good governance, sustainable development, and the promotion and defence of common African positions in international society.¹ Yet the radical departures from the OAU were to be seen in the strength of the peace and security mandate vested in the new AU. Already as the transition from the OAU to the AU was being prepared, it had become evident that the traditional interpretations of the principles of non-intervention and sovereign inviolability had come under assault.

To operationalize this new interventionist peace and security regime, the first Ordinary Session of the Assembly of the AU, meeting in Durban in July 2002, adopted the Protocol Relating to the Establishment of the Peace and Security Council of the African Union.² The launch of the Council in 2004 was described by some observers as a ‘momentous event’ in the articulation of a doctrine of ‘non-indifference’ on the African continent.³ The first chairperson of the AU Commission, Alpha Omar Konaré, liked to refer to this new doctrine of non-indifference as *ingérence courtoise* (courteous interference), and argued that the Union was empowered both with a legal basis and powerful guiding normative principles that would legitimize intrusion in the affairs of member states.⁴

This new interventionist stance of the AU appeared to have solid backing, and already during its first year of existence the Peace and Security Council would come to hold more sessions than its defunct predecessor, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, had held in its 10 years of existence.⁵ In 2004, with the Panel of the Wise and the Pan-African Parliament established, the Common African Defence and Security Policy adopted and the African Standby Force rapidly being developed, it appeared certain that the AU would come to play a far more prominent role in peace and security on the African continent in the years to come, and that notions of human security were now firmly embedded in the work of the organization. Indeed, the AU’s Commissioner for Peace and Security, Said Djinnit, argued that ‘Africans cannot watch the tragedies developing in the continent and say it is the UN’s responsibility or somebody else’s responsibility. We cannot as Africans remain indifferent to the tragedy of our people’.⁶ Despite these ambitions, however, the AU has been proven controversial when it comes to turning these ambitions into reality. The following sections will explore in particular how the AU has engaged with and taken up two human security norms that have emerged in the past decade: the responsibility to protect and the protection of civilians.

The African Union and the responsibility to protect

The responsibility to protect norm was coined by the International Commission on Intervention and State Sovereignty (ICISS) in its 2001 report titled *Responsibility to Protect*.⁷ Established by the Canadian government to investigate how the international community should respond to conflict situations characterized by war crimes, crimes against humanity, ethnic cleansing and genocide, the Commission argued that political and legal norms dictated that a responsibility to protect civilian populations during times of conflict from atrocity crimes existed, and should be strengthened by international society. In essence, the responsibility to protect vulnerable civilians existed at three levels. First, states held a primary responsibility to protect their citizens

from large-scale abuse and violations of human rights. Second, where a state was unable or unwilling to meet its obligations towards its citizens, the international community held a responsibility to react, even through the use of force when necessary, to protect vulnerable populations. Third, following a conflict characterized by the commission of atrocity crimes, the international community held a responsibility to help to rebuild, and to ensure the prevention of the outbreak of future large-scale violence.

In an effort to forge a common African position on UN reform, including on the responsibility to protect, the AU Summit meeting in Nigeria in January 2005 set up a committee of 15 member states to elaborate a common African position. African ministers of foreign affairs representing the 15 members of the committee met during the 7th Extraordinary Summit of the AU in Swaziland in March 2005, and crafted a common African response to the report of the High-Level Panel. The outcomes document from this meeting later came to be known as the Ezulwini Consensus, which was approved by the Executive Committee of the AU, and served as the common African position on UN reform, a key topic to be discussed at the opening of the General Assembly in New York later that year. The Ezulwini Consensus considered a number of areas of UN reform, and provided strong endorsement for the responsibility to protect as a norm that states should adopt and take ownership of.⁸

Many observers heralded the Ezulwini Consensus as an important break with the past. Indeed, at one level, the Ezulwini Consensus did represent an important step for a continent consisting of states that historically had been known to oppose a weakening of the traditional sovereignty concept, and which had proven opposed to interference in the affairs of other states in the region. For African states thus to support the responsibility to protect norm, and to call for its adoption and operationalization, therefore did constitute an important step in the development of human security norms in Africa. Yet the importance of the support provided to the responsibility to protect in the Ezulwini Consensus should not be overestimated. Endorsement for the responsibility to protect was provided in unison with calls for the reform of the Security Council (either providing Africa with the veto, or abolishing the veto right altogether), which would serve to ensure that the norm could not be subject to abuse by powerful states. Should Africa feel that the West would abuse the norm, the thinking went, the region would be in a position to block such moves in a reformed Security Council. Nevertheless, the Ezulwini Consensus did represent the first instance in which African states collectively endorsed the responsibility to protect and called for it to be entrenched in international society.

Yet the Ezulwini Consensus was perhaps not as revolutionary as it appeared. Indeed, the Constitutive Act of the AU, in particular its right of intervention resting on notions of sovereignty as responsibility, was negotiated well before the responsibility to protect norm first emerged in 2001. Indeed, looking back, several commentators argue that the AU was in fact the first organization to give meaning to the responsibility to protect norm,⁹ arguing that the AU's peace and security architecture was in many ways being built around the ideas set out in the responsibility to protect,¹⁰ and that the AU from the outset embodied norms and principles that mirrored the responsibility to protect.¹¹

During the opening of the 2005 UN General Assembly, African support for the responsibility to protect proved crucial for ensuring the UN's endorsement of the norm. Despite the opposition of some members of the General Assembly, the responsibility to protect norm was endorsed by the UN in paragraphs 138–140 of the World Summit Outcomes Document in September 2005.¹² During a UN Security Council debate on the responsibility to protect held in December 2005, it was three African states (Benin, Rwanda and Tanzania) that provided strong support for the norm. In April 2006 the UN Security Council for the first time invoked the responsibility to protect in a resolution on the protection of civilians in armed conflict.

Resolution 1674 reaffirmed paragraphs 138 and 139 of the World Summit Outcomes Document, reminded states of their responsibilities both internally and externally, and urged states to assist other states in meeting their responsibilities, whilst reaffirming the role of the Security Council as outlined in the UN Charter.¹³ The three African members of the Council at the time, the Republic of the Congo, Ghana and Tanzania, all supported the resolution.

When the UN Secretary-General released his report *Implementing the Responsibility to Protect* on 12 January 2009, which focused on mainstreaming the responsibility to protect into the work of the UN, African states were generally in favour of the report and its recommendations. During the first debate on the responsibility to protect in the UN in July 2009, a draft resolution calling for further deliberation on the responsibility to protect was sponsored by 67 member states, including nine African countries. The subsequent debates in the General Assembly led to the adoption of Resolution 63/308 on 7 October 2009, the first Resolution adopted by the UN solely on the topic of the responsibility to protect,¹⁴ with Sudan the only African state to hold reservations about the resolution.

Between 2005 and mid-2011 nine African states (Burkina Faso, Congo, Gabon, Ghana, Libya, Nigeria, South Africa, Tanzania and Uganda) had served as non-permanent members of the Security Council, and a further 10 (Angola, Benin, Botswana, Egypt, Kenya, Morocco, Rwanda, Senegal, Sudan, Zambia) had participated in the Council's debates where the responsibility to protect was referenced. It is here, however, that an interesting dichotomy emerges. While African states were willing to provide strong endorsement for the responsibility to protect at the level of the United Nations from 2005 onwards, no such endorsement has been forthcoming at the level of the African Union itself. Indeed, African support for the responsibility to protect has mostly taken place in the UN context, and not really at continental level, although some would argue that the AU's initiative to promote 'shared values' could provide a platform for mobilizing such support in future. Since the drafting of the Ezulwini Consensus in 2005, the responsibility to protect has only featured once again in an AU policy document when in 2007 the African Commission on Human and People's Rights during its 42nd ordinary session adopted a resolution on Strengthening the Responsibility to Protect in Africa, which noted with deep concern that:

in the recent past, the international community has not responded quickly enough to situations of genocide, war crimes and crimes against humanity, and the continued slow response to the allegations of genocide and crimes against humanity.¹⁵

Despite this concern, and despite African support for the responsibility to protect in the UN context, the norm has not featured prominently in AU decision making over the past years. In the case of the Darfur conflict, for instance, African states between 2004 and 2008 led calls for the UN to intervene in the conflict on the basis of the responsibility to protect within the UN context, yet in the AU the same states took a somewhat different position arguing first that the conflict was not serious enough to warrant international intervention, and later that despite the seriousness of abuses being committed during the conflict, a political solution should be formulated, and that external intervention would not assist in ending the conflict.¹⁶ Thus, while advancing responsibility to protect discourse in the UN context, in the AU context no such discourse appears to have taken place. Similarly, in the Libyan conflict in 2011, although all three African members of the UN Security Council endorsed Resolution 1970 which applied responsibility to protect language to the Libyan conflict, and later voted in favour of Resolution 1973 which authorized intervention by the North Atlantic Treaty Organization (NATO), the responsibility to protect did not feature in AU discourse in response to the Libyan crisis.

While African states have been strong supporters of the responsibility to protect norm in the UN context since 2005, it is clear that in the AU context the responsibility to protect, while in many ways embedded within the African Peace and Security Architecture, has not received the same levels of attention or support. While many observers initially hoped that the AU would come to embody the principles of the responsibility to protect, in particular through the much-vaunted Article 4(h) of the Constitutive Act which allows for intervention in cases of grave circumstances, the AU has been reluctant to invoke its right to intervene in conflict situations characterized by the most egregious of crimes. While African interest in the responsibility to protect therefore appears to be higher in the UN context than in the AU context, a slightly different trend appears to have developed in recent years when it comes to the protection of civilians norm.

The African Union and the protection of civilians

The protection of civilians in conflict zones in many ways is inherent in the AU Constitutive Act, and as such is embedded, though implicitly, in the APSA. More specifically, the protection of civilians is firmly embedded in several AU human rights protocols and conventions.¹⁷ Despite being inherent in all these policy documents, the AU initially did not articulate a specific approach towards the protection of civilians in its initial years of operation, despite becoming increasingly involved in conflict management efforts and undertaking a range of interventions from the very beginning of its existence, including the deployment of peace support operations.

When the African Union deployed its first peace support operation, the African Union Mission in Burundi (AMIB), in 2003 with 3,335 troops, for instance, the mission was not provided with an explicit mandate to protect civilians, despite the fact that the country was still emerging from a brutal civil conflict which had been characterized by the commission of atrocity crimes. Within this context, senior AMIB officials decided to redraft the Rules of Engagement (RoE), allowing for the use of force by the mission to protect civilians in ‘imminent danger of serious injury or death’. The intention was to empower the mission to respond to mass killings along ethnic lines if required, although the decision-making process would have been cumbersome and required authorization all the way up the mission leadership chain.¹⁸

When the AU deployed its next peace support operation, the African Union Mission in Sudan (AMIS, which operated in Darfur) in May 2004, the AU Peace and Security Council adopted a slightly different approach. Initially, AMIS was conceived of as an observation mission, and the few military observers and the protection force on the ground did not hold a protection of civilians mandate. As the scale of the abuses in Darfur became clear, and as it became increasingly apparent that AMIS was critically under-resourced to play any meaningful role in Darfur, the AU Peace and Security Council in October 2004 revised the mandate of the mission, providing AMIS with a mandate to ‘protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of Sudan’.¹⁹ While the mandate to protect civilians was maintained until AMIS was transformed into the African Union-United Nations Mission in Darfur (UNAMID) in early 2008, the mission was criticized for having failed to provide adequate protection to the civilian population in Darfur affected, and directly targeted, by the conflict. AMIS personnel, with a force strength of about 7,000 towards the end of the life of the mission, have been widely credited with using innovative approaches to provide the best levels of protection they could, yet as one observer noted, the AU’s operations in Darfur underlined the risks of mounting

operations, and raising expectations, without providing the necessary resources to protect those most vulnerable during times of conflict.²⁰

Perhaps afraid of raising expectations once again, when the AU Peace and Security Council authorized its next operation, the African Union Mission in Somalia (AMISOM) in January 2007, the mission was not provided with an explicit protection of civilians mandate. Despite the deteriorating security situation in Mogadishu between 2008 and 2011, AMISOM was not provided with a protection of civilians mandate. To compound matters, AMISOM was regularly accused of itself violating international humanitarian law (IHL) and human rights law in its actions in Mogadishu, and of causing civilian injuries and deaths through the alleged shelling of civilian neighbourhoods. AMISOM therefore lost a degree of credibility and legitimacy in the eyes of many observers and the population it had been sent to protect. To address this shortcoming, the AU in 2010 commenced with efforts to mainstream protection considerations into AMISOM operations.

The AU's approach towards the protection of civilians, while embedded in the work of the organization in many ways, was therefore somewhat ad hoc, in particular as this related to the role of peace support operations operating in conflict zones where civilian populations were at risk, or were being directly targeted.

Despite the absence of a clear African position, when the UN Security Council held its first open session on the protection of civilians in armed conflict in June 2006, African states were spearheading debate, and providing broad support for the protection of civilians agenda. In subsequent annual UN Security Council debates on the protection of civilians in conflict zones, most African states have been strong supporters of the UN doing more, and not less, to provide protection to civilian populations affected by conflict on the continent.

Recognizing the need to articulate a clear approach to the protection of civilians, the AU Commission in March 2010 hosted an international symposium on the protection of civilians in conflict zones. The symposium brought together a broad range of experts and stakeholders from across the African continent as well as international experts, and represented the first time that the AU had engaged with the protection of civilians agenda in a comprehensive manner. Following the symposium, the Commission produced *Draft Guidelines on the Protection of Civilians in African Union Peace Support Operations*,²¹ intended to inform the planning and decision-making processes with regards to peace support operations undertaken by the AU. The guidelines presented the first clear articulation of the AU's understanding of the protection of civilians, which was interpreted as:

includ[ing] activities undertaken to improve the security of the population and people at risk to ensure the full respect for the rights of groups and the individual recognised under regional instruments ... and international law, including humanitarian, human rights and refugee law.²²

The guidelines embedded the protection of civilians in a cross-cutting manner in the African Peace and Security Architecture and the work of the Commission in preventing, managing and transforming conflict situations. With regards to peace support operations, the guidelines provided broad outlines on how the development of protection strategies can be approached both at the strategic (Commission) and operational (mission) levels. The guidelines, similar to the UN guidelines on the protection of civilians in peace-keeping operations, detail four tiers of work in a peace support operation: (1) protection as part of the political process; (2) protection from physical violence (using a staggered approach of prevention, pre-emption, response and consolidation); (3) rights-based protection; and (4) the establishment of a protective environment.

Since the release of the draft guidelines, rapid progress has been attained at both the policy and the operational levels. The work of the Commission to develop a protection of civilians agenda, and specifically to mainstream the guidelines into its work, has been encouraged several times by member states at various levels, including at the heads of state level.²³ Further, in May 2011, the AU Peace and Security Council, under South African chairmanship, hosted its first open session on the protection of civilians in conflict zones, encouraging the Commission to enhance its efforts to develop a robust protection agenda.²⁴ The AU Peace and Security Council by the end of 2011 had also requested twice that despite AMISOM not having a protection of civilians mandate, protection considerations should be mainstreamed into its operations, and that a mission-wide protection strategy be developed, the first time that the Council had made such a request.²⁵ In response to these requests, the AU Commission initiated the development of a mission-specific strategy to address protection considerations in Somalia in 2010, and in 2012 had developed a draft strategy for the mission, though this still remained to be endorsed at the time of writing.

The protection of civilians was also included in other areas of the AU's work, such as in the *Draft African Humanitarian Policy Framework* developed in 2011, which included references to the protection of civilians in conflict zones.²⁶ Despite this progress, when post-election violence erupted in Côte d'Ivoire in early 2011, the AU was uncertain of how to include the protection of civilians in its response, yet from January 2011 onwards began to include protection concerns in its statements on Côte d'Ivoire. In January, for instance, the Council called for an end to all acts of violence and abuse towards the civilian population,²⁷ and by March moved to condemn strongly the ongoing attacks against the civilian population and the commission of atrocities.²⁸ By early April, with the conflict and atrocities committed towards the civilian population escalating, the AU conceded that no political solution to the crisis could be found, and unable to intervene itself militarily, called on the UN Security Council and the UN Operation in Côte d'Ivoire (UNOCI) vigorously to implement their mandates to protect civilians from further abuses.²⁹

When conflict erupted in Libya in February 2011, the AU, while strongly condemning the use of excessive violence against the civilian population, condemned air strikes conducted by NATO in Libya, arguing that these were not being undertaken to protect civilian populations at risk, but in order to foster regime change. Yet other AU organs took a very different approach. In February 2011, the African Commission on Human and Peoples' Rights urged the Libyan government to put an immediate end to violence against the civilian population, and in March moved to condemn the actions of the Libyan government, instituting proceedings against Libya in the African Court on Human and Peoples' Rights for 'serious and massive violations of human rights guaranteed under the African Charter on Human and Peoples' Rights'.³⁰ That same month, the Court for the first time in its history ordered provisional measures against a member state, requiring Libya to 'immediately refrain from any action that would result in loss of life or violation of physical integrity of persons, which could be a breach of the provisions of the African Charter on Human and Peoples' rights or of other international human rights instruments to which it is a party'.³¹ The Libyan government ignored the order of the Court, as did the AU Assembly of Heads of State and Government.³² Despite this disconnect between the orders of the Court and the actions of AU member states, it is important to note that for the first time in their history, the Commission and the Court found that a member state was failing to protect its population, and ordered measures to be taken against a member state on this basis.

Despite what appears to have been an initial absence from the policy debate, the protection of civilians agenda has been taken up and advanced by the AU quite substantially in a relatively short space of time, and has taken on increasing levels of importance within AU decision making. Indeed, taking note of this progress, and perhaps also of previous shortcomings, an

important step was taken by the organization when the Peace and Security Council, during its 326th meeting on 26 June 2012, issued a press statement which noted that in addition to mainstreaming protection of civilians into the standard operating procedures of AU peace support operations, the protection of civilians must form part of the mandate of future AU missions.³³ While the implementation of this decision of the Peace and Security Council remains to be assessed as the AU plans and undertakes new peace support operations across the continent, its significance should not be underestimated, as it represents a decisive normative step forwards with regards to the protection of civilian populations at risk in Africa, and a bold declaration by AU member states that the protection of civilians will be taken seriously, and will increasingly be factored into the decisions of the Council.

Protecting civilian populations at risk—from policy to practice

This chapter has demonstrated that although significant progress has been attained in centring notions of human security in the AU's engagements in the maintenance of peace and security on the continent, significant gaps and inconsistencies remain to be addressed. With regards to the responsibility to protect norm, AU member states have been strong supporters of the norm in the UN context, ensuring that the norm was adopted during the 2005 UN World Summit, and providing support for the norm in subsequent General Assembly and Security Council debates. Yet at the level of the AU, the story has been somewhat different, and the responsibility to protect has barely featured in AU policy documents and decision making. With regards to the protection of civilians, despite an initial absence from policy discussions, the norm has come to feature quite prominently in the work of the organization in a very short space of time. While the responses to the conflicts in Côte d'Ivoire and Libya in early 2011 indicate that the organization is to a degree still not certain of how best it should respond to conflict situations in which civilian populations become the target of aggression, in particular by the state, the decision of the Peace and Security Council in June 2012 to require that the protection of civilians form a part of the mandate of all future AU peace support operations perhaps also in part acknowledges these shortcomings. More importantly, perhaps, this decision reflects the intention of member states to embed firmly the protection of civilians into the AU's future responses to conflict situations on the continent.

However, to contribute successfully to the protection of civilian populations at risk, the AU must address a fundamental disconnect that has arisen with regards to both the responsibility to protect and the protection of civilians norms. Whereas both norms are invoked in the UN context, where they appear to enjoy the support of African member states, neither norm appears to enjoy the same prominence in the AU context. As the AU works to ensure that human security continues to be the guiding theme of its approach to peace and security on the African continent, it is in turning its policy ambitions into practice that the AU will come to embody and defend the hopes and aspirations not only of its member states, but indeed of the African people, and will be able to protect these at a time when they are most vulnerable.

Notes

- 1 African Union, *Constitutive Act of the African Union*, signed at Lomé, Togo, 11 July 2000.
- 2 African Union, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, adopted by the 1st Ordinary Session of the Assembly of the African Union, Durban, South Africa, 9 July 2002.
- 3 M. Mwanasali, 'From Non-Interference to Non-Indifference: The Emerging Doctrine of Conflict Prevention in Africa', in J. Akokpari *et al.*, *The African Union and its Institutions*, Auckland Park: Fanele, 2008, 44.

- 4 Ibid., 42.
- 5 Ibid., 44.
- 6 P.D. Williams, 'From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture', *African Affairs* 106:423 (2007): 276.
- 7 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, Ottawa: International Development Research Centre, 2001.
- 8 African Union, *Common African Position on the Proposed Reform of the United Nations: 'The Ezulwini Consensus'*, Ext/EX.CL/2(VII) (2005).
- 9 M. Mwanasali, 'Africa's Responsibility to Protect', in A. Adebajo and H. Scanlon, *A Dialogue of the Deaf—Essays on Africa and the United Nations*, Auckland Park: Fanele, 2006, 95.
- 10 P.D. Williams, 'The "Responsibility to Protect", Norm Localisation and African International Society', *Global Responsibility to Protect* 1:2 (2009): 399–400.
- 11 K. Aning and S. Atuobi, 'Responsibility to Protect in Africa: An Analysis of the African Union's Peace and Security Architecture', *Global Responsibility to Protect* 1:1 (2009): 92.
- 12 United Nations General Assembly, General Assembly Resolution 60/1, 2005 *World Summit Outcome*, 24 October 2005.
- 13 United Nations Security Council Resolution 1674, 28 April 2006.
- 14 United Nations General Assembly, General Assembly Resolution 63/308, *The Responsibility to Protect*, 7 October 2009.
- 15 African Union, *Resolution on Strengthening the Responsibility to Protect in Africa*, African Commission on Human and People's Rights, ACHPR/Res. 117 (XXXXII), 7 November 2007.
- 16 W. Lotze, *Interventionist Norm Development in International Society: The Responsibility to Protect as a Norm Too Far?* PhD thesis, University of St Andrews, 2011.
- 17 See the Protocol Relating to the Establishment of the Peace and Security Council. More specifically, the protection of civilians, as understood in the context of human rights and refugee law, is inherent in a number of AU instruments, including the Convention Governing Specific Aspects of Refugee Problems in Africa (adopted by the OAU in September 1969, which entered into force in 1974), the African Charter on Human and Peoples' Rights (adopted by the OAU in 1986 and known as the Banjul Charter, which entered into force in 1986), the African Charter on the Rights and Welfare of the Child (adopted by the OAU in 1990, which entered into force in 1999), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted in July 2003 and known as the Maputo Protocol, which entered into force in 2005), and the African Union Convention for the Protection and Assistance to Internally Displaced Persons (adopted in October 2009 and known as the Kampala Convention).
- 18 K. Powell, 'Opportunities and Challenges for Delivering on the Responsibility to Protect: The African Union's Emerging Peace and Security Regime', in *From Promise to Practice? The African Union in Burundi and Darfur*, The North-South Institute, Monograph 119, 2005.
- 19 African Union, Communiqué, Peace and Security Council, PSC/PR/Comm.(XVII), 17th Meeting, 20 October 2004.
- 20 S.A. Bah, *Dilemmas of Regional Peacemaking: The Dynamics of the AU's Response to Darfur*, New York: Centre on International Cooperation, 2010.
- 21 African Union, 'Draft Guidelines on the Protection of Civilians in African Union Peace Support Operations', March 2010.
- 22 African Union, 'Draft Guidelines on the Protection of Civilians in African Union Peace Support Operations', March 2010.
- 23 African Union, 'Decision on the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa', Assembly/AU/6(VX), Dec.249, Para 29. African Union, 2010, Declaration of the 7th Meeting of African Chiefs of Defence Staff and Heads of Security and Safety Services of the Member States of the African Union, and the 4th Ordinary Meeting of the Specialised Technical Committee on Defence, Security and Safety', 3–7 December 2010.
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- 25 African Union, 'Communiqué of the Peace and Security Council', PSC/MIN/1(CCXXXXV), 245th Meeting, 15 October 2010; African Union, 'Progress Report of the Chairperson of the Commission on the Development of Guidelines for the Protection of Civilians in African Union Peace Support Operations', PSC/PR/2(CCLXXIX), 18 May 2011.

- 26 African Union, 'Draft African Humanitarian Policy Framework', 2010.
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- 28 African Union, 'Communiqué, 265th Meeting of the Peace and Security Council', PSC/AHG/COMM.1(CCLXV), 10 March 2011.
- 29 African Union, 'Press Statement, 270th Meeting of the Peace and Security Council', PSC/PR/BR.1 (CCLXX), 5 April 2011.
- 30 A. Dolidze, 'African Court on Human and Peoples' Rights—Response to the Situation in Libya', *Insights* 15:20 (2011): n.p.
- 31 Dolidze, 'African Court on Human and Peoples' Rights', n.p.
- 32 Africa Union, 'Decisions Adopted During the 17th African Union Summit', Directorate of Information and Communication, 2011.
- 33 African Union, 'Press Statement, 326th Meeting of the Peace and Security Council', PSC/PR/BR/1. (CCCXXVI), 2012.

Africa and international human rights

Assessing national human rights institutions

Liza Sekaggya

Introduction

National human rights institutions (NHRIs) are now, beyond a doubt, valued as essential partners in the task of protecting and promoting human rights at the national and regional levels. This is reflected, not least, in the resolution adopted in 2005 by the United Nations (UN) Commission for Human Rights, which was endorsed in 2008 by the Human Rights Council¹ (which replaced the Commission), inviting NHRIs to participate in all agenda items of the Council.² Furthermore, the African Commission on Human and Peoples' Rights grants affiliate status³ to NHRIs. There has been a significant increase in the demands made on NHRIs to act as key actors in the protection and promotion of human rights. In Africa, none the less, NHRIs have been at the forefront specifically in areas of torture prevention, civic education, monitoring and reporting on human rights situations, advocating for the rights of women and vulnerable groups among many other thematic areas.

This chapter will discuss and assess the role of NHRIs in promoting and protecting human rights, with a specific focus on NHRIs in Africa. Its conceptual thrust will be the Paris Principles and in particular the NHRI role in relation to interaction with the international human rights mechanisms in order to bring changes at the domestic level in the human rights situation. NHRIs and their role in relation to transitional justice will also be reflected on, highlighting examples of challenges and good practice in the African region.

The Paris Principles and the accreditation process of the International Coordinating Committee of NHRIs (ICC)

UN Member States through the unanimous adoption of General Assembly resolution 48/134 of 20 December 1993, agreed to the Principles in relation to the status of National Human Rights Institutions—The Paris Principles. They provide guidance for the establishment of NHRIs, including functions, responsibilities, composition, guarantees for independence, pluralism, methods of operation, and quasi-judicial activities. NHRIs can be specialized bodies, commissions or ombudsmen.⁴ NHRIs are established by a state in its constitution and/or by legislation, the functions of which are specifically defined in terms of the protection and

promotion of human rights. Paris Principles-compliant NHRIs stand out as partners that are central to national human rights protection systems and are important counterparts for national stakeholders, international organizations and the UN. They can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level—a role increasingly recognized by the international community.

In order to preserve this increased international recognition and trust, NHRIs must continue to be credible, legitimate, relevant and effective. This can be achieved in part by ensuring that the Paris Principles guide the work of NHRIs.

The Office of the High Commissioner for Human Rights (OHCHR) is the lead UN agency in the implementation of human rights, and plays a significant role in promoting the strengthening and establishment of NHRIs around the world, specifically through its National Institutional and Regional Mechanisms Section,⁵ working closely with other partners including the UN Development Programme (UNDP).

The establishment in 1993 of the ICC of NHRIs, an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles, was the beginning of the development of a solid accreditation process that reviews the compliance of NHRIs with the Paris Principles as one of its major functions.

Working under the auspices of the OHCHR as its secretariat, the ICC Sub-Committee for Accreditation (SCA) is composed of four members of NHRIs, which conduct a peer-to-peer review process, and recommend a specific status for each NHRI applicant. What is actually reviewed is the legal basis of the NHRI and its practical functioning, including its mandate, powers, responsibilities, composition and guarantees for independence, pluralism and methods of operation.

NHRIs reviewed receive 'A status' (indicating they are fully in compliance with the Paris Principles), 'B status' (not fully in compliance or insufficient information has been provided to make a determination) or 'C status' (not in compliance).⁶ The ICC SCA has developed General Observations to provide interpretative clarity to the Paris Principles and further guidance to NHRIs concerning the implementation of the Paris Principles. As of May 2012, there were 69 NHRIs, from over 100 NHRI ICC members around the world with A status.

Upon accreditation NHRIs attain membership to the ICC of NHRIs, and are also entitled to interact with several organs of the international human rights mechanisms, including the Human Rights Council and the treaty bodies. The general meeting of the ICC of NHRIs meets annually in Geneva. An ICC Bureau, consisting of 16 members representing Paris Principles-compliant NHRIs from four different regions represented in the ICC (Africa, Americas, Asia-Pacific and Europe) is the governance body of the ICC and takes responsibility for co-ordinating the activities of the broad network, including adopting the recommendations of the ICC Sub-Committee for Accreditation. The ICC also has a Representative in Geneva which plays a crucial role in encouraging and facilitating NHRI interaction with the UN human rights system together with OHCHR.

In Africa, as of May 2012, there were 18 NHRIs that had attained A status. These were the Human Rights Commissions of the following countries: Cameroon, Egypt, Ghana, Kenya, Malawi, Mauritania, Mauritius, Morocco, Namibia (ombudsman), Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Togo, Uganda, Tanzania and Zambia.

An NHRI's accreditation is normally reviewed every five years. Having the A status implies adherence to the Paris Principles, but may not always be easy to maintain, due to social, political and economic factors that could influence the status quo of the NHRI. For example, if there is a compromise on an NHRI's independence its status may be revoked. This was the case with the Nigerian Human Rights Commission (NHRC), where in 2006 the executive director and

the entire governing council were dismissed from office by the government. One of the reported reasons for the dismissal at the time was comments he made in relation to repression of the media by the Security Agencies. Further, Section 4(2) of the NHRC Act 1995 allowed the President to remove any member at any time at his own discretion. Subsequently the Commission was downgraded by the ICC from A to B status, because its independence and autonomy were compromised.

The observations on the appointment and removal process by the ICC SCA led the Commission to propose an amendment in parliament to the NHRC Act of 1995 to secure the independence of the Commission and safeguard the appointment and removal process under the NHRC Act for the purpose of meeting the challenges of the time. In 2011, an amendment was made to the NHRC Act, removing the provision that allowed for the executive to dismiss members of the commission. The content of the new law particularly related to security of tenure, independence of the commission and additional powers of investigation and enforcement that would further strengthen the commission.⁷ By signing into law the amended NHRC Act, the Commission was then reviewed by the ICC SCA and re-accredited with A status in May 2011. The ICC SCA noted the various amendments to the enabling legislation that provided stronger provisions of independence.

NHRI legal status

The Paris Principles call for NHRIs to be established by law.⁸ The ICC General Observation on Establishment of National Institutions states that an NHRI must be established in a constitutional or legal text. Creation by an instrument of the executive is not adequate to ensure permanency and independence. Preferably an NHRI's existence should be entrenched in the Constitution. The Constitution, being the most superior legal document in a country, gives the NHRI a level of authority and greater sense of public ownership and significantly advances its public legitimacy—i.e. it is seen as an institution for the people, by the people.

Popular legitimacy partly derives from the instrument that grants an NHRI its legal status. In South Africa, for example, the legitimacy of the Human Rights Commission is notably due to the recognition within the country's first democratic Constitution. Even those who are critical of its performance believe the Commission has public legitimacy for this reason.⁹ Constitutional entrenchment is one of the most secure ways to guarantee the institution's independence as well as defending its legal powers if challenged; it secures its longevity, as the procedural requirements for changing Constitutions in many countries are far stricter than those for amending or abolishing laws.¹⁰

The legal basis sets out powers and duties and determines how an NHRI can carry out its mandate. The legislation and organic law should set out its appointment mechanisms, terms of office, mandate, powers, funding and lines of accountability. It should guarantee the institution's independence and powers, and make it more difficult to undermine its status in future. Good appointment mechanisms are vital to achieving an independent and diverse membership and provisions for accountability to parliament are usually recommended, in order for NHRIs to be in compliance with the Paris Principles.

In Kenya, for example, the Kenya Human Rights Commission Act of 2002, Section 6, stipulates that nine commissioners are nominated by the National Assembly and appointed by the President. In this process the positions are publically advertised and any individual with the qualifications can apply, or any organization can propose a name. The National Assembly then constitutes a committee to review these applications and make recommendations. The National Assembly shall, upon receipt of the recommendations of the committee, nominate 12 persons for appointment as commissioners and shall submit the list of nominees to the attorney-general for

onward transmission to the President. The President shall, by notice in the *Gazette*, appoint commissioners and in making these nominations the President shall have regard to: (1) Kenya's ethnic, geographical, cultural, political, social and economic diversity; and (2) the principle of gender equity.¹¹

This process had been cited as one of the best practices in relation to appointment of members, as it is open, transparent and inclusive, ensures that all sectors of society are represented, and further members nominated are endorsed by parliament, giving them a high level of legitimacy. Direct appointment by the executive should be avoided, as this could interfere with an NHRI's independence, something that has negatively impacted some institutions in Africa.

Some emerging challenges include delays in appointment of the leadership for some commissions in Africa, including A status commissions. For example, the Zambian Human Rights Commission spent almost two years without commissioners/members, and commissioners were finally appointed in 2011. Similarly the Nigerian Commission functioned without a governing Council for almost four years. Lack of leadership affects the capacity of an NHRI to function effectively and its legal capacity to be accountable to the people. NHRI legislation could embody a time frame to appoint new commissioners.

Parliaments should clearly lay down in the founding law that where there is a vacancy in the composition of the membership of a NHRI, that vacancy must be filled within a reasonable time. After expiration of the tenure of office of a member of an NHRI, such member should continue in office until the successor takes office.¹²

The degree of success of NHRIs in carrying out these functions, in both established democracies and states at various stages of democratic transition, is dependent on the range of legal, financial, political and social factors. These factors can be addressed in the NHRI's enabling law, including a constitution. In fact, in many cases the establishment of an NHRI has been a result of a peace-building or constitution-making process, following a transition from serious human rights abuses in the past. For example, the South African Human Rights Commission was established after the end of the apartheid system, the Sierra Leone, Comoros, Liberia and Burundi Human Rights Commissions were established after periods of conflict where peace-building agreements were signed that included the establishment of an NHRI. The establishment of institutions in South Sudan and Sudan was stipulated in the Comprehensive Peace Agreement 2005–11, and thereafter provisions were included in the interim constitution of Sudan. The current transitional constitution of South Sudan also includes provisions for the NHRI.

Almost 43 NHRIs around the world are constitutionally entrenched. Out of these about 12 are found in Africa. In general, constitutional provisions related to NHRIs vary between jurisdictions. Where some countries simply make reference to the existence of an NHRI, others elaborate in more detail. Good practice has shown that provisions which touch on the autonomy and independence of an NHRI (e.g. the scope of its mandates and powers, guaranteed tenure for members, appointments processes and financial arrangements) should be constitutionally entrenched, since these are the factors that most directly affect a NHRI's credibility, stability and ultimately impact on its performance. More detailed procedural provisions governing the functioning of the NHRI could be elaborated in an enabling legislation.

Examples of constitutional provisions include: the Constitution of Zambia which has a provision on autonomy only; the Constitution of Uganda which contains provisions on the functions of the Commission, powers of the commission, independence, and removal of Commissioners and staff of the Commission; and the Constitution of Malawi which outlines the appointment processes for members, in addition to the powers and composition of the Commission. However, constitutional entrenchment in and of itself may not guarantee the effectiveness of an NHRI. It is crucial that the relevant provisions ensure its compliance with the Paris Principles. NHRIs win public or popular legitimacy when they are seen to stand up for the rights of the powerless

against powerful interests and act fairly in treating issues within their purview, without fear of state interference, and a strong legal basis gives them the authority to do just that. Even though an NHRI has a strong law, the political, social and economic factors may impede its ability to function effectively and efficiently. Despotic governments may also obstruct the work of NHRIs. The case of Nigeria mentioned above, where a provision in the law that allowed the state party to remove the governing body of the NHRI leading to the dismissal of the executive director of the Commission, was contrary to the Paris Principles.

Another instance occurred in Uganda in 2004 where the government attempted to merge the Uganda Human Rights Commission (UHRC) with the Inspector General of Government (IGG)—a governmental body tasked with handling corruption and mismanagement of government resource.¹³ The government claimed that by abolishing the UHRC and merging its functions with the IGG, the government would reduce costs of running the two institutions. After months of advocacy and international and regional intervention the government withdrew its proposal and the commission continued to function independently. The chairperson of the UHRC at the time, Margaret Sekaggya, had to justify the existence and independence of the UHRC as a constitutionally entrenched institution protecting and promoting human rights in the country, as stipulated in Chapter Four of the 1995 Uganda Constitution.¹⁴

In Zimbabwe, in February 2010 commissioners were appointed to the nascent Zimbabwe Human Rights Commission (ZHRC), although the commission at the time was not officially inaugurated, due to the absence of an enabling legislation. However, on 12 July 2011 the Minister of Justice presented the ZHRC Bill to the parliament. Among the contentious issues in the Bill was the aspect of independence, a provision in the draft law allowed for the minister to interfere with the activities of the commission. A political standoff also delayed the operationalization of the law where political leaders and parliamentarians had been disputing whether the ZHRC should cover historical events prior to the power-sharing agreement reached between the then opposition Movement for Democratic Change and President Mugabe's Zimbabwe African Nation Union-Patriotic Front (ZANU-PF) in February 2009.¹⁵ Although the law was finally enacted in October 2012, several clauses in the enacted law may have an effect on its independence. Independence from government is critical for National Human Rights Institutions to fulfil their mandate in accordance with the Paris Principles and the commission's independence and impartiality will be assessed when it applies for accreditation status to the ICC of NHRIs.

The most effective national institutions generally have a broad and non-restrictive mandate, which includes civil, political, economic, and social and cultural rights. Programmes should focus on issues of immediate daily concern and be relevant to the public and to public bodies. Some institutions also have a quasi-judicial function that enables them to determine complaints of human rights violations. In Africa several commissions can hear complaints and make recommendations for redress, but only a few of them have the power to make binding and legally enforceable decisions. These include the Ghanaian, Ugandan, Tanzanian and Sierra Leone Human Rights Commissions, among others. The NHRI mandate to receive complaints has been of critical importance especially to poor or marginalized communities, and provides an avenue for free justice and redress for human rights violations.

NHRIs and the UN human rights mechanisms

The Paris Principles emphasize the importance of NHRI interaction with the international human rights system as key functions; indeed, the ICC of NHRIs, in its General Observations on interacting with the international human rights system, emphasizes the importance of NHRIs interacting in particular with the Human Rights Council and its mechanisms and the

UN treaty bodies. This means generally participating in these mechanisms and following up at the national level on recommendations from the international human rights system.

Encouraging ratification of international human rights treaties is another functional requirement of NHRIs under the Paris Principles. However, there is limited awareness at the national level on the specific international treaties. NHRIs have a significant promotional role to make known the standards, and also to lobby for national legislation to be in line with international standards and specifically for laws prohibiting torture, protecting the rights of vulnerable groups, etc. NHRIs could urge their governments to ratify specific treaties and domestic human rights principles, including those on torture prevention considering the magnitude of the problem of torture in Africa, such as the Convention Against Torture (CAT), and the International Covenant for Civil and Political Rights (ICCPR) and their Optional Protocols. The Convention on Enforced Disappearances which entered into force in December 2010 is also of particular significance given the escalation of enforced disappearances in Africa.

In Uganda, the UHRC, for example, played an instrumental role in the domestication of the ICCPR and CAT. There was no specific legislation criminalizing acts of torture and other ill-treatment in Uganda, and both treaty bodies emphasized this in their concluding observations/recommendations of the state party reports. Survivors of torture in Uganda could only bring criminal actions against perpetrators through charges of assault or grievous bodily harm under the Penal Code Act. Noting this shortfall, coupled with continued complaints of violations against torture, the UHRC opted to combine efforts with non-governmental organizations (NGOs) for a collective and broader campaign to end the use of torture. In 2005, the UHRC joined the CAT, a network of NGOs to advocate for the greater protection against torture by drafting an anti-torture legislation. The legislation was finally enacted in April 2012. It currently provides a wide definition to torture that includes state actors, individual persons and non-state actors. The definition of torture under the act builds on the definition of the UN CAT, which is limited to public officials but the definition of which has now been overtaken by developments in international criminal law and the jurisprudence of the UHRC, which have found that both state and non-state actors can commit torture.¹⁶ This unique element of holding non-state actors criminally accountable is something from which other African states could learn, given the existence of rebel groups in some states, in the Great Lakes region and elsewhere.

In Morocco, the NHRI issues recommendations to its government for the harmonization of national law with Morocco's international human rights commitments. It recommended modifying the penal code so that it accurately reflects the contents of international human rights standards, including those embodied in the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the ICCPR.

Relatively new treaties such as the Optional Protocol to CAT (OPCAT) create a new dimension to the work of NHRIs. The protocol provides for proactive international and national mechanisms mandated to visit places of detention both on a regular and follow-up basis. This role is already played by many NHRIs. Of particular relevance to NHRIs are the provisions relating to national preventive mechanisms (NPM) (articles 17 to 23). Article 17 calls on state parties to maintain, designate or establish, upon ratification or accession of the protocol, one or several independent NPMs for the prevention of torture at the domestic level. Article 18 provides for a guarantee of the functional independence of the NPM as well as the independence of its personnel. It also provides that 'when establishing national preventive mechanisms, States parties shall give due consideration to the Principles relating to the status and functioning of national institutions for the promotion and protection of human rights'—the Paris Principles.

In Africa, almost 10 states had formally ratified or ascended to the OPCAT by the end of 2012.¹⁷ Some NHRIs including the commissions of Togo, Mali and Mauritius have been designated by the state party as NPMs. More states in Africa need to ratify this protocol to ensure compliance with international standards. Those states that have ratified it need to ensure that the legal and practical framework of the NHRI that is designated an NPM is developed in line with the requirements of OPCAT, and that the NHRIs are provided with the relevant infrastructure and resources to fulfil this additional function. This includes, among other tasks, regularly examining the treatment of the persons deprived of their liberty in places of detention, with a view to strengthening their protection against torture, cruel and degrading treatment or punishment (article 19, OPCAT). Although Togo and Mauritius are A status commissions, a review of their current legislation to incorporate this function, or creation of a separate legislation to fulfil its function as an NPM, may be required. In the case of Mali, which is a B status NHRI, implying that it is not fully in compliance with the Paris Principles, as the NHRI commences to undertake this task, substantial support would be required to ensure that it is able to fulfil this task effectively in accordance with the Optional Protocol.

The expertise of organizations such as OHCHR would be of value in that respect. Additionally the OPCAT Sub-Committee on Prevention (with its secretariat at OHCHR) is mandated amongst other tasks to maintain contact with the NPM and offer training and technical assistance with the view of strengthening their capacities.¹⁸

Another UN Convention that gives NHRIs a potential monitoring role is the Convention on the Rights of Persons with Disabilities (CRPD). Article 33 (2) sets out the obligations of states parties to set up or designate satisfactory domestic institutional arrangements to facilitate the implementation and monitoring of the convention. It calls on state parties to establish a framework, including one or more independent mechanisms, as appropriate, at the national level and to promote, protect and monitor implementation of the Convention. When designating or establishing such a mechanism, state parties shall take into account the principles relating to the status and functioning of national institutions.

In Africa almost 30 countries have ratified the CRPD. This convention may have been viewed as less controversial than the OPCAT. Accordingly the NHRIs of Egypt, Rwanda, Senegal, Uganda and Malawi have been designated national monitoring mechanisms (NMMs);¹⁹ however, none of the NHRIs received an extra budgetary location by the government following this designation. Given the nature of tasks involved, it is imperative that adequate financial and human resources are provided to these institutions for them to fulfil the tasks effectively.

Arrangements within the NHRI institutional framework to fulfil its task in monitoring states' compliance with international human rights norms principles and advising on the implementation and domestication of international human rights law are very important. Some NHRIs in Africa, including the South African Human Rights Commission (SAHRC), have specific departments or focal points that deal with ratification and monitoring the state implementation of specific treaties. The Parliamentary & International Affairs Programme (PIAP) of the SAHRC monitors national- and provincial-level legislation, and monitors and engages in the UN Treaty Body System. The programme also ensures that the commission is visible within the ever-increasing and recognized role of national human rights institutions at the treaty body level, seeking out innovative methods of transporting broad international principles and recommendation into the daily work of the SAHRC to impact on the lives of the poor and most vulnerable in society. The office liaises with government and civil society concerning South Africa's international treaty body obligations; conducts research, develops reports and follows up on

recommendations from treaty bodies; and promotes and protect human rights by providing input on proposed legislation that impacts on human rights, nationally and provincially.²⁰

NHRIs and interaction with UN human rights treaty bodies

According to the Paris Principles, in addition to other roles, NHRIs are mandated to contribute to the reports that states are required to submit to UN bodies and committees and to regional institutions, pursuant to their treaty obligations on the human rights situation in the country. NHRIs are also mandated, where necessary, to express an opinion on the subject, with due respect for their independence.²¹ NHRIs should contribute as appropriate to the preparations of states reports but not write them on behalf of the state.

Treaty bodies regularly acknowledge NHRIs' assistance in the elaboration of states parties' reports. NHRIs may be able to offer relevant information, data and research or cases handled by them to government institutions that are charged with the preparation of reports and give a comprehensive analysis of the situation. NHRIs can further review and comment on draft reports and ensure that the report contains an adequate description of the human rights situation. NHRIs, too, may also submit alternative/shadow reports. Often NHRIs have a good overview on the conformity of their government's policies and national legislation with international human rights principles. For example, the Ethiopian Human Rights Commission had a comprehensive project to assist government in its reporting obligations to human rights treaty bodies, by providing training, advice and information. As a result the state party has been able to submit several overdue reports.

In their working methods, treaty bodies encourage NHRIs to submit independent information to them in order to expand the information bases. The Committee on the Rights of the Child (CRC) General Comment No. 2 elaborates on the role of NHRIs in relation to the CRC. The Committee on Elimination of Racial Discrimination (CERD) formalized its rules of procedure to allow A status NHRIs to participate in sessions when their state party was being reviewed and to make an oral intervention. This is a unique procedure practised by the CERD only, because other treaty bodies engage with NHRIs in a separate session from the state party. The independent and distinct status of NHRIs has gradually been recognized by all treaty bodies and separate seating arrangements and time allocation has been allocated for NHRIs to brief treaty bodies on the human rights situation in their countries.

The CERD's concluding observations referred extensively to the work of the Zambian Human Rights Commission, and gave numerous recommendations to the state party on how to strengthen the Human Rights Commission and how the state's agencies might better co-operate with the commission in the implementation of the International Convention on Elimination of Racial Discrimination (ICERD) in Zambia.²² This was also possible because the commission attended and made an oral presentation to the CERD during the review of the state parties report.

Although the number of African NHRIs interacting with treaty bodies has increased over the years despite limited financial resources, meaningful, open and frank dialogue is often lacking in some cases. This may be caused in part by a misconception that this would be perceived by the governments as unnecessary criticism and therefore jeopardize the relationship with the government and the NHRI. This is an area that still needs to be addressed, particularly in some states where freedom of expression has been curtailed. In a recent session of the Human Rights Committee in July 2011, The Ethiopian Human Rights Commission attended the session but was reluctant to provide objective recommendations to the treaty body on how the state could

improve its implementation in relation to human rights protection, and instead opted to highlight only the good work the government had done.

The main purpose of NHRI submissions is to give an accurate account of the human rights situation in the country in order for treaty bodies to give recommendations that would prompt the state to make relevant changes, including legislative reforms to improve the situation in a given country. NHRIs may follow up recommendations of UN human rights mechanisms at the national level and further incorporate the recommendations and reflect them in national human rights action plans.

Follow-up may also include lobbying for laws that prohibit human right violations—e.g. torture, improving detention facilities, etc. Follow-up in all cases is a challenge, as resources in many African countries are limited, and there is a need for more prioritization by governments on these issues, in order to ensure the implementation of international human rights norms at the national level.

NHRIs and interaction with the Human Rights Council

The Human Rights Council (HRC) is an intergovernmental body within the UN system made up of 47 states, responsible for strengthening the promotion and protection of human rights around the globe.²³ The Council was created by the UN General Assembly on 15 March 2006 with the main purpose of addressing situations of human rights violations and make recommendations on them.

One year after holding its first meeting, on 18 June 2007, the Council adopted its ‘institution-building package’ providing elements to guide it in its future work. Among the elements is the new Universal Periodic Review (UPR) mechanism, which will assess the human rights situations in all 192 UN member states.²⁴

HRC Resolution 5/1 provides for A status NHRIs to speak and submit documentation to the council on all agenda items. Examples of successful engagement include the Kenya Human Rights Commission at the HRC, which made a detailed and critical submission on the human rights situation in Kenya, particular following the post-election violence in 2008. Member states were able to get an account of the violence perpetrated. In 2009, the Togolese Human Rights Commission also made an oral intervention at the HRC, following a report presented by the Special Rapporteur on Human Rights Defenders on the situation in Togo. Both these examples relay boldness from NHRIs to speak out internationally, giving a critical review and analysis of the states’ obligation to protect and promote human rights and detailing the NHRI monitoring role.

NHRIs are also entitled to submit documentation during the UPR process. All representatives of A status NHRIs, the ICC, or regional co-ordinating committees of NHRIs may address the Council in accordance with its rules of procedure. NHRIs may also organize parallel events of relevance to the work of the Human Rights Council, which may raise visibility of certain human rights issues in the region. Since the UPR started, participation of NHRIs in Africa has been high and several have submitted stakeholder reports and conducted national consultations reviewing the human rights situation in their respective countries, including NHRIs in Kenya, Namibia, South Africa, Tanzania, Togo and Uganda. Follow-up of recommendations is still an area that needs to be monitored and NHRIs could use the recommendations as advocacy tools when advocating for the implementation of the recommendations at a national level.

NHRIs in Africa have also been active in supporting country visits of UN Special Procedures Mandate Holders (SPMHs) of the HRC. NHRIs are important national contacts for SPMHs and can monitor the implementation of recommendations of these bodies, in addition to providing useful data and information of the human rights situation in their countries. On the

other hand, NHRIs under threat have also benefited from urgent appeals sent from special rapporteurs to state parties seeking information for alleged violations. For example, in April 2012, the previous chairperson of the Malawi Human Rights Commission was arrested and detained on trumped-up charges by police prior to his travel to Geneva for a meeting of the ICC of NHRIs. The special rapporteurs system was instrumental in questioning the actions of the state party. Similarly the former chairperson of the Togolese Commission, after releasing a report on alleged human rights violations committed by state security agencies, faced intimidation, leading him to seek refuge in another country. SPMHs, including the UN and African special rapporteurs on human rights defenders, provided statements and appeals in relation to this incident, calling on the state party to respond. The use of these mechanisms becomes of particular importance when NHRIs are under pressure and intimidation by the state agents in the course of their duties, and have nowhere to turn for protection but the international and regional human rights mechanisms.

Conclusion

NHRIs are a central component of a national human rights protection system. Mandates differ across NHRIs but all contribute directly or indirectly to the prevention of human rights violations, such as torture, arbitrary detention, gender discrimination and human trafficking. Such functions are particularly crucial in post-conflict situations when restoring normalcy requires comprehensive strategies, including options for transitional justice, as well as redress and remedy for the victims.²⁵ NHRIs are also increasingly called upon to contribute to reconciliation processes in Africa and the rule of law.

Recent international human rights instruments, such as OPCAT and the CRPD, give NHRIs a potential monitoring and implementation role. It is crucial, therefore, that states parties in Africa strengthen the mandate and capacity of NHRIs and adequately finance them in order to enable them to fulfil their roles effectively.

In that respect the effectiveness of an NHRI is highly dependent on the nature of democracy, political, financial and economic factors in a state. The institutions in Africa that have boldly spoken out on human rights violations and atrocities contributing to maintaining the rule of law and advocating for human rights, in particular challenging political circumstances, should be commended. Indeed a lot of good work has been done across the region in sensitizing citizens to human rights and advocating for victims of human rights violations. However, when faced with grave human rights violations, on occasion NHRI efforts have been subjected to opposition from governmental bodies, and on several occasions threats have been made to members of staff, as was witnessed in the case of the Kenya National Human Rights Commission which having conducted investigations into post-election violence in 2008, found that several members of the commission received threats and intimidation from state agencies.

Bearing this in mind, a multi-faceted effort between NHRIs, civil society actors governments and international organizations is crucial in raising awareness on international human rights norms, mechanisms and complaints procedures to enable victims to have access to justice and for governments to be held accountable.

Unless we work assiduously so that all of God's children, our brothers and sisters, members of our one human family, all will enjoy basic human rights, the right to a fulfilled life, the right of movement, of work, the freedom to be fully human, with a humanity measured by nothing less than the humanity of Jesus Christ Himself, then we are on the road inexorably to self-destruction, we are not far from global suicide; and yet it could be so different.²⁶

Domesticating human rights norms at the national level, in order to attain full enjoyment of human rights and the reduction of violations, is crucial. NHRIs in Africa should continue to advocate vehemently with their governments in order to attain this, given past and current violations on the continent. States should prioritize the ratification of the various treaties and their optional protocols as well.

Therefore, governments in Africa need to continue to support NHRIs financially and morally, and be open to legal reforms to create 'human rights-friendly laws'. The enjoyment of human rights and freedoms is not just for today, but for the future generations that require equal opportunities, protection from torture and discrimination; formidable human rights institutions and foundations entrenched not only in the legal infrastructure, but in the political and moral mindset, and practices of African leadership. An ideal that Nelson Mandela expressed so eloquently and boldly during his trial in 1962:

I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if need be, it is an ideal for which I am prepared to die.²⁷

Notes

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- 2 UN, HRC resolution 2005/74, Geneva, Switzerland.
- 3 ACHPR, *Resolution Granting Affiliate Status to National Human Rights Institutions*, www.achpr.org/english/_info/affiliate_en.html.
- 4 UNDP-OHCHR Toolkit for collaboration with National Human Rights Institutions, 22.
- 5 www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx.
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- 26 Desmond Tutu, Nobel Lecture, 11 December 1984, www.nobelprize.org/nobel_prizes/peace/laureates/1984/tutu-lecture.html.
- 27 Extracts from the Court Record of the Trial of Mandela held in the Old Synagogue Court, Pretoria, from 15 October to 7 November 1962.

Africa and global climate change

Impacts, vulnerabilities and adaptation challenges

Elena Lioubimtseva

Introduction

According to the Inter-Governmental Panel on Climate Change's (IPCC) Fourth Assessment Report (AR4), Africa is the continent most vulnerable to climate change and climate variability.¹ Climate change and variability affect ecosystems and their productivity through the changing patterns in temperature and precipitation, droughts, floods, heavy winds and other extreme events, representing both new threats for some regions and opportunities for others. In addition, the internationalization of the global economy might also exacerbate stresses associated with climate change depending on the existing local social and economic conditions.² Today, climate change represents a new major security threat for the world, and particularly for Africa.³

This chapter explores potential impacts of climate change, human vulnerability and potential adaptations and adaptation challenges in African countries. Human vulnerability is typically described as a function of three factors: exposure, sensitivity and adaptive capacity.⁴ Exposure components characterize the stressors and entities under stress; sensitivity components characterize the areas affected by stresses; and adaptive capacity components characterize potential social responses to the effects of stresses.⁵ Social, political and economic factors and processes, such as economic development, institutional structures, and land-use and land tenure systems, are likely to be determinant factors of human vulnerability and adaptations to the impacts of climate change. The projections of exposure to climate change impacts on human development are largely based on climate modelling scenarios.⁶ On the other hand, sensitivity and adaptive capacity of the population to climate change impacts are primarily determined by human factors, such as: the level of economic development; wealth; access to technology and information; institutional changes (agricultural reforms, management practices, policies, legislation); and more recently, responses to globalization.⁷ The same human dimensions also determine the causes and impacts of the local environmental processes and changes, such as rangeland degradation, salinization of arable lands, deforestation, depletion of water resources, and many others.

Climate change and variability in Africa

The climate of Africa is predominantly tropical in nature, ranging from extra arid to humid. Based on the Köppen–Geiger climate classification system, it can be classified into several climatic zones: equatorial (Af), monsoonal (Am), tropical savannah (Aw), warm desert climate (BWh), warm Mediterranean (Csa), and cool climate (Cwb) in the highlands.⁸ Within these zones, altitude and other localized variables also produce distinctive regional climates. Atmospheric circulation over the continent is controlled by complex maritime and terrestrial interactions that produce a diverse spectrum of climate and vegetation zones, from the humid tropics of the Congo basin to the hyper-arid Sahara desert.

The climate also varies cyclically over periods of decades, centuries and millennia, as well as from year to year. Palaeoclimatic and archaeological data indicate that the African continent has experienced many natural climatic fluctuations and abrupt changes in the past which might be comparable with future climate change scenarios.⁹ The climatic, hydrological and environmental fluctuations of the low-latitude regions during the Holocene epoch (the last ~10,000 years) are linked to changes in earth surface temperatures, sea surface temperatures, ocean and atmospheric circulation patterns, regional topography, and land surface albedo.¹⁰ Although the relative importance of these forcing factors and their interconnections are still not fully understood, there is growing evidence that since the beginning of the past century the climate of Africa has been increasingly affected by global and regional anthropogenic trends, such as increasing concentrations of greenhouse gases (GHGs) in the atmosphere and also land-use changes.¹¹

According to the IPCC AR4 report, there was an increase in the number of warm spells over most of the continent, and a decrease in the number of cold days between 1961 and 2000. Geographic patterns of precipitation changes are much more complicated. Rainfall exhibits notable spatial and temporal variability.¹² Inter-annual rainfall variability is large over most of Africa and for some regions multi-decadal variability is also substantial, including evidence for changes in seasonality and weather extremes.

Although temperature and precipitation changes affect the entire continent, their geographic patterns are uneven. Climate change in the arid and semi-arid regions of Africa is generally expected to enhance human-induced desertification and bring further decline in vegetation cover. In the Sahara and Sahel, rainfall is predicted to drop, resulting in soil degradation and an increasing number of dust storms.¹³ In north-east Africa, more intense dry periods and shorter wet seasons are expected to affect even huge river systems such as the Blue Nile, leading to serious water shortages and adverse consequences for the agriculture and forestry sectors throughout the region. At the same time, Central Africa is expected to experience precipitation increase and more flooding.¹⁴ Coastal areas may also be affected by rising sea levels and the intrusion of salt water into inland freshwater resources.

Reliable and well-distributed climate observations are essential for monitoring and modelling climate change and developing informed adaptation policies. Unfortunately, the climate observing system in Africa is currently the worst in the world and continues to deteriorate.¹⁵ The network of 1,152 World Meteorological Organization (WMO) World Weather Watch (WWW) stations (www.wmo.int/pages/index_en.html), which provides real-time meteorological data and forms the basis of international climate archives, has an average station density of only one per 26,000 sq. km, which is only one-eighth of the WMO minimum recommended level.¹⁶ African countries have the lowest weather reporting rate of any continent and the shortage of data-monitoring sites and long-term observation series is exacerbated by a very uneven geographic distribution of meteorological stations. Substantial areas of Africa, particularly those in Central Africa, remain largely unmonitored.

Several studies also have highlighted the importance of land-use and land-cover changes and the associated dynamic feedbacks on the physical climate.¹⁷ An increase in vegetation density, for example, has been suggested to result in a year-round cooling of 0.8°C in the tropics, including tropical areas of Africa.¹⁸ Complex feedback mechanisms, mainly due to deforestation and related land-cover change, and changes in atmospheric dust loadings, also play an important role in climate variability, particularly for drought persistence in the Sahel and its surrounding areas.¹⁹

Changes in extreme events, such as droughts and floods, have major implications for numerous Africans and require further attention. One-third of the people in Africa live in drought-prone areas and are vulnerable to the impacts of droughts and floods. These impacts are often further exacerbated by health problems, particularly diarrhoea, cholera and malaria.²⁰ During the mid-1980s the economic losses from droughts totalled several hundred million US dollars.²¹ Droughts have mainly affected the Sahel, the Horn of Africa and Southern Africa, particularly since the end of the 1960s.²²

Climate change scenarios

Given that Africa is such an enormous landmass, stretching from about 35°N to 35°S, the predicted climatic changes are very different in different parts of the continent. Some areas of the continent are likely to become drier, others wetter; some regions may derive some economic benefit, while most regions will likely be adversely affected. Because mainland Africa is divided into 50 countries, geographic variations of climate-related changes are likely to be very complex and uneven.

The major source of current information available about future global and regional climatic changes are scenarios generated by Atmosphere Ocean General Circulation Models (AOGCMs), which simulate physical processes in the atmosphere, ocean, cryosphere and land surface, and also responses of the global climate system to increasing greenhouse gas concentrations. The most important elements of climate change scenarios predicted by climate models include CO₂-fertilization effect on natural agricultural ecosystems, temperature increases, changes in precipitation patterns and changes in extreme events.²³

Annual temperature is predicted by AOGCMs to increase by as much as 2.4°C in the Sahara and Kalahari deserts by around 2050, and by about 1.4°C in the inter-tropical regions (see Table 22.1). Precipitation is generally simulated to increase over much of the continent by the middle of the century, with the Sahel and other semi-arid parts of Africa being predicted to receive as much as 15% of precipitation increase over 1961–90 by the middle of the century.²⁴ However, as Hulme *et al.* have demonstrated,²⁵ AOGCMs are not capable of simulating the same magnitude of inter-decadal and inter-annual climatic variability, particularly precipitation variability, that has been observed over the past century, which raises questions about the ability

Table 22.1 Regional mean annual temperature and mean annual precipitation change scenarios for the period centred around 2050, simulated by 20 Atmosphere Ocean Circulation Models

Region	North Africa	Central Africa	Southern Africa	Eastern Africa
Temperature change, °C	from +1.7 to +2.4	from +1.7 to +1.9	from +1.4 to +2.5	from +1.6 to +2.1
Precipitation change, mm	from -2.0 to +6.0	from +0.4 to +2.6	from -14.0 to -2.7	from +8.0 to +13.0

Source: (Scenarios were computed by the author with MAGICC/SCENGEN 5.3.2 model)

of models adequately to simulate the key climatic mechanisms for tropical regions. Regional temperature and rainfall projections for the period around 2050 are summarized in Table 22.1.

One of the major problems associated with the scarcity of climate observations in Africa is that climate scientists still have very limited systematic understanding of the basic state of atmospheric circulation over many parts of the continent, particularly the central African convective region, which is the largest on the planet during significant parts of the year.

Key areas of human vulnerability to climate change in Africa

Human vulnerability to climate and environmental changes constitutes a critical set of interactions between society and the natural environment. Although many definitions of human vulnerability have been proposed by different authors, it is usually understood as a function of the character, magnitude and rate of climate change, and the exposure, sensitivity and adaptive capacity of the human–environmental system.²⁶ One of the key dimensions of human vulnerability is exposure—a degree to which a system is exposed to a hazard, perturbation or stress caused by the changing climatic conditions. Sensitivity can be defined as a degree to which a system is affected by, or responsive to, climate change stimuli.²⁷ Adaptive capacity or adaptability is understood as the potential or capability of a system to adapt to climatic stimuli. The capacity of a sector or region to adapt to climatic changes depends on many non-climatic factors, such as the level of economic development and investments, access to markets and insurance, social and economic policies, access to education and technology, cultural and political considerations, the rule of law regarding private and public properties, including natural resources, etc.

The projected impacts of climate change on African countries include changes in the regional hydrometeorology, increases in the inter-annual variability and more frequent catastrophic climate events, such as droughts and floods, intensification of the human-induced desertification by the increasing incidence of more frequent, severe and persistent droughts, reduction of biodiversity and the CO₂-fertilization effect.²⁸ These changes, in turn, are likely further to exacerbate many already existing problems, such as unstable economic development, food and water insecurity, poverty and low standards of life, and human health issues. Exposure and sensitivity to climate change and related environmental hazards are highly varied between the regions and sectors within Africa. Three areas of climate impact and human vulnerability are especially critical for African countries: agriculture and food security; water availability and stress; and human health.

Agriculture and food security

Agriculture constitutes approximately 30% of Africa's gross domestic product (GDP) and contributes about 50% of the total export value, with more than 70% of the continent's population depending on this sector for their livelihood.²⁹ Seasonal out-migration is already a consistent feature of many rural communities of sub-Saharan Africa where food security is no longer dependent upon locally grown produce.³⁰ Even without climate change, agriculture in many parts of Africa is already severely stressed by the population growth, political instabilities, and shortage of investments and technology.

Field experiments and agro-ecological modelling studies indicate that crop yields in many parts of Africa are likely to decline due to temperature increases, proliferation of pests, increasing frequency of dry spells and floods, and reductions in soil fertility.³¹ A study on South African agricultural impacts, based on three AOGCM scenarios, indicates that crop net revenues will likely fall by as much as 90% by 2100, with small-scale farmers being the most severely affected.³² An assessment by Fischer *et al.*, based on the Agro-Ecological Zones model (AEZ)

developed by the Food and Agriculture Organization (FAO), in conjunction with the Basic Linked System developed by the International Institute for Applied Systems Analysis (IIASA), suggests that by the 2080s, there will be a significant decrease in suitable rain-fed land extent and reduced production potential for cereals is estimated under climate change.³³ Furthermore, for the same projections, during the same time interval, the area of arid and semi-arid land in Africa could increase by 5%–8% (60 million–90 million hectares). This study shows that wheat production is likely to completely disappear from Africa by the 2080s. Regional modelling assessments have also shown that Southern Africa would be likely to experience notable reductions in maize production under possible increased El Niño–Southern Oscillation (ENSO) conditions.³⁴

However, not all changes in climate and climate variability will be negative, as agriculture and the growing seasons in certain areas (for example, parts of the Ethiopian highlands and parts of Southern Africa, such as Mozambique), may lengthen under climate change, due to a combination of increased temperature and rainfall changes. The utmost concern should be a better understanding of the potential impact of the current and projected climate changes on African agriculture and identifying ways and means to adapt to and mitigate its detrimental impacts.

Water supply and water stress

Even in the absence of climate change, present population trends and current patterns of water use indicate that the majority of African countries will exceed the limits of their economically usable, land-based water resources before 2025.³⁵ The population at risk of increased water stress in Africa is projected to be 75 million–250 million and 350 million–600 million people by the 2020s and 2050s, respectively.³⁶ The impact of climate change on water resources across the continent is not uniform. An analysis of AOGCMs scenarios by Arnell shows a likely increase in the number of people who could experience water stress by 2055 in northern and southern Africa.³⁷ The same study suggests that in contrast, more people in eastern and western Africa will likely experience a reduction rather than an increase in water stress. Strzepek and McCluskey examined water availability scenarios using 10 AOGCMs and reported that the possible range of Africa-wide climate change impacts on stream flow would significantly increase between 2050 and 2100.³⁸ The range is from a decrease of 19% to an increase of 14% by the end of the century. Parts of southern Africa are projected to experience significant losses of runoff, with South Africa being particularly impacted.³⁹ Other regional assessments report emerging changes in the hydrology of some of the major water systems, like the Okavango River basin, which could be negatively impacted by changes in climate. These impacts could possibly be greater than those associated with land-use changes.⁴⁰

The African continent hosts over 80 shared river basins, covering about 60% of its area. Some 13 of them have a great significance, such as the Nile, Niger and Zambezi, each of which touches the geographic area of 10 or more countries. Many river channels and basin watersheds demarcate about 405 of the international boundaries in Africa.⁴¹ The impacts of climate change will differ from one catchment to the other and will require a management system to match. International rivers pose particular challenges because of competing national interests and few, if any, well-established mechanisms for collaborative management between nations that share the river basins. Water stress can also potentially become a source of international conflicts.

Human health and vector-borne diseases

Climate change is expected to have significant impacts on human health and the geography of vector-borne diseases.⁴² One prime example is that 90% of all malaria cases in the world occur

in Africa.⁴³ Results from the 'Mapping Malaria Risk in Africa' project show an expansion of areas, climatically suitable areas for malaria by 2020, 2050 and 2080, although some regions might experience the contraction of transmission areas due to temperature increases exceeding the mosquito tolerance threshold.⁴⁴ An assessment by Hartmann *et al.*, using 16 climate change scenarios, suggests that by 2100, changes in temperature and precipitation could alter the geographical distribution of malaria in Zimbabwe, with previously unsuitable areas of dense human population becoming suitable for transmission of plasmodium. Strong southward expansion of the transmission zone is likely to expand into South Africa. Tanser *et al.* used parasite survey data in conjunction with AOGCM scenarios and estimated a 5%–7% altitudinal increase in malaria distribution, with little increase in the latitudinal extent of the disease by 2100.⁴⁵

Previously malaria-free highland areas in Ethiopia, Kenya, Rwanda and Burundi could also experience modest incursions of malaria by the 2050s, with conditions for transmission becoming highly suitable by the 2080s. By this period, areas currently with low rates of malaria transmission in central Somalia and the Angolan highlands could also become highly susceptible. Among all scenarios, the highlands of eastern Africa and areas of southern Africa are likely to become more suitable for malaria transmission.

Climate variability may also interact with other background stresses and additional vulnerabilities such as conflict and war, population displacement, land degradation and high rates of HIV/AIDS in the future, resulting in increased susceptibility and risk of other infectious diseases (e.g. cholera, typhoid and yellow fever), and malnutrition. The potential for climate change to intensify or alter flood patterns may become a major additional driver of future health risks from flooding.⁴⁶

The politics of climate change negotiations and Africa

African leaders have been voicing concerns about climate change for their countries. At an African Union summit in 2007, Museveni, the President of Uganda, called climate change an 'act of aggression' against the developing countries by the developed world and suggested that the damage that global warming would cause African nations must be compensated.⁴⁷

Based on the tradition of the United Nations (UN), parties to the UN Framework Convention on Climate Change (UNFCCC) are organized into five regional groups, namely: African states, Asian states, Eastern European states, Latin American and the Caribbean states, and the Western European and other states (Australia, Canada, Iceland, New Zealand, Norway, Switzerland and the USA, but not Japan, which is in the Asian group). The 50 countries defined as least developed countries (LDCs) by the UN regularly work together. They have become increasingly active in the climate change process, often working together to defend their particular interests, for example with regard to vulnerability and adaptation to climate change. All countries have been required to provide national communications on climate change impacts and vulnerabilities, and to produce National Adaptation Programs of Action (NAPAs). These plans may soon provide the basis and condition on which LDCs can apply for funds in the area of adaptation. While most African countries have undertaken steps to fulfil such commitments, in many cases their capacity to do so appears to be limited. Moreover, in many African countries, adaptation planning remains a stand-alone activity that is not integrated into development planning processes. This weakens the ability of African states to implement efficiently adaptation plans and programmes.⁴⁸

The African Group's position is that developed countries must recognize ambitious mitigation commitments for a second and subsequent commitment periods of the Kyoto Protocol. Developed countries must reduce their emissions of greenhouse gases by at least 40% by 2017,

and by at least 95% cent by 2050, compared to 1990 levels. To ensure the environmental integrity of these targets, offsets should be limited to 10% and existing loopholes should be closed.⁴⁹ The Green Climate Fund (GCF) was launched at the 2011 UN Climate Change Conference held in Durban, South Africa. Despite its establishment, it continued to be empty. It was due to begin dispensing money in 2013 to help developing countries cope with climate change; however, rich industrialized countries have failed to deliver on their financial pledges and the issue has not been fully resolved.⁵⁰

Decisions of the 18th session of the Conference of the Parties to the UNFCCC and the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol held at the end of 2012 provided very limited help to African countries.⁵¹ Progress on a long-standing commitment for rich countries to contribute US\$100 billion a year by 2020 to help poor nations cut emissions and adapt to a warmer world was also put off for another year. Concerning the second commitment period of the Kyoto Protocol, African countries have succeeded at the UNFCCC conference in Doha to secure it with an eight-year extension period. While Africa, along with others, keeps the breath of the Protocol, its existence is very weak with a refusal for the extension of previous industrialized signatories such as Japan, Russia and Canada along with the USA, which previously did not ratify the protocol. Perhaps the biggest recent gain for African countries is an agreement for a new treaty to be forged in 2015, and enter into force by 2020. This would create a chance for all major emitters to get a comprehensive binding deal in 2015.

To cope with the complexities of the international negotiations ahead, African countries should prepare themselves very well starting from creating awareness among its people to building the capacities of its expertise in understanding the detailed issues of negotiation. However, the recent conference in Doha has also opened a new direction for Africa as it has agreed for the first time to establish a process to look at compensating poorer countries for loss and damage suffered because of climate change—something wealthy countries have long resisted. This can be considered Doha's most important achievement. The 'principle of loss and damage' has been explained as a mechanism where developed countries are required to assist developing countries with cleaning up and reconstruction after extreme weather events. The principle is an important step forward because until now developed nations stopped short of accepting responsibility for the damage caused by climate change elsewhere.⁵² The exact details of the loss and damage scheme, including how much developed countries will have to pay, are expected to be worked out at future meetings of the UNFCCC.

In addition to a legally binding adaptation framework, the African negotiating bloc has outlined several other demands, including adequate, sustainable, new and additional, and predictable financial resources, investment to support action on mitigation and adaptation as well as technology co-operation.⁵³ Details on how much funding will be made available for adaptation finance, as well as the arrangements by which these funds will be administered, are still emerging. None the less, it is clear that in order to make a strong case in negotiating for adaptation finance, African countries will have to prove that they are able to utilize adaptation funding efficiently, transparently and for the purpose it was intended. Unfortunately, the Doha conference, while registering modest results, has not brought any firm commitments on reducing carbon emissions, which Africa advocates most, or on climate change aid.

Possible adaptations and challenges

Projections of climate changes and their impacts suggest that African countries are extremely vulnerable to current climate change and variability, and this vulnerability is exacerbated by

existing developmental challenges such as endemic poverty, population growth, ineffective governance, corruption and other institutional dimensions, limited access to capital, information, infrastructure and technology, ecosystem degradation, conflicts and forced migrations. These factors in turn are contributing to Africa's high sensitivity and low adaptive capacity, increasing the continent's vulnerability to projected climate change. Development of adaptations strategies to climate change is only possible if the impacts of climate change are considered in the context of many other processes, such as political and institutional changes, economic development and globalization, changes in the land-use practices and livelihoods, etc. Capacity of countries, regions and communities to implement potentially useful adaptation strategies depend on a variety of geographic, historical, political and economic factors. There is compelling evidence from many other parts of the world that there is a strong relationship between vulnerability to climate change and sustainable development. Factors such as social inequality, poverty, uneven access to health care, education and technology, ineffective institutions, population migrations and ethnic conflicts must first be taken into account by the national and local decision makers as the most crucial factors of human vulnerability to climate change.

Another serious problem is the lack of integration of possible adaptation strategies at the continental scale. Development of effective and realistic adaptations could benefit from an integrated continent-wide approach reaching beyond the national borders, especially because adaptation measures are rarely undertaken in consideration of the impacts of climate change alone, and are typically imbedded within other initiatives such as land-use planning, water resource management, drought warning, desertification control, health care programmes and diversification of agriculture.

Non-climatic stresses are likely to increase human vulnerability in Africa to climate change and reduce its adaptive capacity because of resource deployment to competing needs. For example, increases in surface temperature and frequency of droughts, soil salinization and degradation, degradation of vegetation cover, water loss due to inadequate irrigation practices, combined with poverty, malnutrition and limited access to drinking water and sanitation, health care collapse and outbreaks of many chronic and infectious diseases, and many other regional stresses would require unprecedented amount of resources to alleviate just some of them. Short-term, unplanned reactive coping strategies aiming to address separately some of these stresses (e.g. droughts), usually provide only an immediate solution for a limited area or group of the population, but in the long term they only exacerbate the problem. Focusing on effects but not on the causes of the problems can only further aggravate the ongoing adverse environmental changes in the long term.

To cope with the multiple regional stresses in the context of multiple increasing stresses, both related and unrelated to climate change, it is important to consider such adaptive strategies that could place equal importance on environmental, social and economic considerations. The development of such adaptation strategies involves inevitable trade-offs between environmental, economic and socio-cultural and political considerations and priorities. Evidence from around the world suggests that development and implementation of adaptation strategies and policies are successful only when they are driven by the interests of stakeholders—groups of individuals and communities vulnerable to the risks of climate change.⁵⁴ At the national and regional scale adaptations are usually undertaken by the governments on behalf of the entire society or particular groups but regardless of the geographic scale, these decisions, policies and projects must be driven by the 'place-based' initiatives and integrate the needs of various communities at multiple scales. Communities rarely face only one effect or risk of climate change at a time and the interaction of multiple vulnerabilities often can lead to the amplification of risks.⁵⁵ Climate change impacts are interconnected with land-use changes, socio-economic changes and many other processes

that interact in the human–environmental system. Therefore, adaptations can be sustainable only if they target multiple processes and risks in the integrated manner, reaching across various aspects of human life (food security, water resources, health, quality of life, etc.) at multiple geographic and temporal scales. For example, reduction of monoculture, diversification of crops and application of no-tillage techniques in agriculture would not only help to increase food security in African countries, but also would decrease the use of water, improve soils through nitrogen fixation in soil, and sequester carbon, a useful climate change mitigation measure. The introduction of more advanced irrigation techniques, such as drip irrigation and more water-efficient crops could reduce the loss of water resources in drylands, but also would improve crop productivity, reduce the soil losses due to salinization, and help reduce the risks of water contamination and transmission of many vector-borne and water-borne diseases.

Conclusion

Africa is the most vulnerable continent to climate change. Although temperature and precipitation changes affect the entire continent, their geographic patterns are uneven. In the Sahara and Sahel, rainfall is predicted to drop, resulting in soil degradation and an increasing number of dust storms. More intense dry periods and shorter wet seasons are expected to affect even huge river systems such as the Blue Nile, leading to serious water shortages and adverse consequences for the agriculture and forestry sectors throughout the region. At the same time, Central Africa is expected to experience precipitation increase and more flooding and many coastal areas may also be affected by rising sea levels and the intrusion of salt water into inland freshwater resources.

Reliable and well-distributed climate observations are essential for monitoring and modelling climate change and developing informed adaptation policies. Unfortunately African countries have the lowest weather reporting rate of any continent and the shortage of data-monitoring sites and long-term observation series is exacerbated by a very uneven geographic distribution of meteorological stations. Based on the climate modelling scenarios annual temperature is predicted to increase by as much as 2.4°C in the Sahara and Kalahari deserts by around 2050, and by about 1.4°C in the inter-tropical regions. Precipitation is generally simulated to increase over much of the continent by the middle of the century, with the Sahel and other semi-arid parts of Africa being predicted to receive as much as 15% of precipitation increase over 1961–90 by the middle of the century.

The projected impacts of climate change on African countries are likely to exacerbate further many existing problems, such as unstable economic development, food and water insecurities, poverty and low standards of life, and human health issues. Three areas of climate impact and human vulnerability are especially critical for African countries:

- agriculture and food security;
- water availability and stress; and
- human health and vulnerability to vector-borne diseases.

Development of effective and realistic adaptation strategies could benefit from an integrated continent-wide approach reaching beyond the national borders, especially because adaptation measures are rarely undertaken in consideration of the impacts of climate change alone, and are typically embedded within other initiatives such as land-use planning, water resource management, drought warning, desertification control, health care programmes and diversification of agriculture. One of the major reasons of the low adaptive capacity of African countries is the

lack of planned proactive adaptation strategies. In many African countries, adaptation planning remains a stand-alone activity that is not integrated into general development planning processes. Another major problem is the lack of integration between different adaptive strategies both at the national and especially international scales. Climate change impacts are interconnected with land use, water resources, food systems, health care systems, transportation networks, and many other structures and processes that interact in the human–environmental system. Therefore, adaptations can be sustainable only if they target multiple processes and risks in the integrated manner, reaching across various aspects of human life at multiple geographic and temporal scales.

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Africa and the global trade in illicit small arms and light weapons

Dorcas Ettang

Introduction

According to the United Nations (UN) Secretary-General's report on 5 April 2011, the trade in small arms is 'not well regulated and can be considered the least transparent of all weapons systems'.¹ This highly secretive trade and the absence of adequate regulatory mechanisms to monitor, track and trace these weapons has increased their negative impact globally. The preference for and the negative impact of authorized and illicit small arms and light weapons on human life and property has been widely documented across the African continent and beyond.² Relevant statistics in 2007 show that the 30 million small arms circulating throughout Africa have been more destabilizing than the more than 200 million circulating in the USA, due to the absence of strong national controls of arms transfers, absence of economic opportunities, political instability and the deadly cycles of violence.³

Statistics released in early 2011 show that the total value of authorized trade in small arms, light weapons and ammunition is estimated at more than US\$7 billion per year.⁴ While data on authorized trade are easily accessible and available, the challenge remains that data on illicit trade remain 'guesstimates', which makes it rather unreliable and insufficient. This burgeoning and highly lucrative industry has been supported by globalization and with the advent of new technologies it continues to flourish.

Africa's role as a major market in both authorized and illicit trade in small arms and light weapons remains very strong. Its own interactions are globalized to the extent that the continent has developed networks, linkages and communication with a wide range of global actors, institutions and networks that need to be understood. This chapter examines how Africa has been affected by the current global trade in illicit small arms and light weapons. Linked to this, the evolution and role of the continent, as a major and emerging player in this illicit trade will be discussed. The emergence of an Arms Trade Treaty and how this will impact on the illicit trade and the role of Africa in its finalization and implementation is of critical importance in efforts to curb and regulate this trade.

Illicit international political economy: a theoretical framework

A theoretical framework that enables us to understand the global illicit arms trade is the illicit international political economy (IIPE). The IIPE bridges the gap between the international political economy (IPE) and security, by highlighting the economic dimensions of the illicit global trade and how these link to security or the lack thereof. The IIPE addresses cross-border activities through which the state becomes one of many actors and the process of sending and

receiving are not authorized by the state.⁵ While the IPE has focused on the authorized global trade and the state actors that engage in this, the IIPE is seen through the lens of the global illicit trade.

The global illicit trade is driven by the 'movement away from fixed hierarchies and towards decentralized networks of loosely linked, dispersed agents and cells; the revolution in information technology, which facilitates communications within illicit networks, and allows such communications to be encrypted; the rise in free trade, which has seen the greater porousness of borders between countries and the dissolution of borders between some, as in the EU [European Union]; the conversion of the former state monopolies of communism into highly corrupt fusions of state and criminal activity; and the increasing mobility of people and capital'.⁶

Even though the illicit global trade focuses on private, informal, non-state and criminal networks, they do not exist and work in isolation of the state but are rather closely linked to it. States are linked to these illicit markets based on the interactions and relationships that exist between them. This mirrors the new shift on the global arena from direct contact between governments to the use of more private intermediaries in various transactions.⁷ Globalization has therefore bridged the gap between state and non-state actors and created an environment for them to participate in the global economy. These non-state actors (for instance smugglers and traffickers) are not limited by geographical borders but thrive in their ability to move across borders and their nature of statelessness.⁸ The illicit trade market continues to flourish and in spite of the resources, political will, commitment, technology, military deployments used by states to curb these, success stories do not exist.⁹

Understanding the 'African dimension' of the global illicit trade in arms

The trends in the global illicit economy resonate very strongly within the African continent. More recent statistics on global trade provide information on the main suppliers and recipients of major conventional weapons. Between 2006 and 2010, major suppliers have remained the USA, Russia, Germany, France and the UK, and the top five main recipients include India, the People's Republic of China, Republic of Korea (South Korea), Pakistan and Greece.¹⁰ Although no African countries feature in the top five, there has been an increase of its import of major conventional weapons from 5% (in 2001–05) to 7% (in 2006–10).¹¹ Arms imports by sub-Saharan Africa are considerably smaller when compared to arms imports by other regions; however, an exception is South Africa, which is ranked globally as the 19th largest importer of major arms for the period 2005–09.¹² Africa continues to provide a major market for arms (both authorized and illicit), especially as it is a fertile ground for conflict. The secrecy that overshadows the global arms trade makes it impossible accurately to obtain the numbers and track the sources of all illicit small arms and light weapons (SALW) exports to and movements within the continent.

With new developments in the field of technology, technologically advanced weaponry, and the presence of surplus arms used during the Cold War period, the African market remains a significant market for SALW. Trends show that there will always be a high demand for SALW by African states as long as there continue to be high insecurity, presence of rogue states, armed groups and potentials for violent conflict. The Arab uprisings that unravelled in December 2010 and violent conflict across the African continent continue to perpetuate a high demand for easy and available access to weapons as they act as a deterrent and can be used for self-protection. According to various reports, security forces and army units in Libya, Bahrain and Egypt have used assault

rifles, heavy weaponry and shotguns, respectively, against their people during their anti-government protests.¹³ In retaliation to violent attacks from government, Libyan rebels were reported to be smuggling weapons, in small consignments, through Tunisia to fight Colonel Qaddafi's forces in western Libya.¹⁴ After the post-election violence in Kenya in 2008, it was reported in 2009 that rival ethnic groups in re-arming themselves for possible violence during the 2012 elections focused on purchasing machine guns, including AK-47s and G-3s (rifles).¹⁵ The burgeoning demand for SALW is linked to a number of factors, including: high levels of corruption; permeable borders; ease of transactions both globally and locally; easy and cheap access to internet and other forms of communication; and the presence of strong and solid networks within groups across the continent. It would appear that there will be a continuing demand and supply for SALW in the short and medium term. It is important to understand the global illicit trade through the lens of supply and demand and the actors engaged in both these processes.

Supply

Suppliers of authorized and illicit weapons to Africa have substantial amounts to benefit (increased profits, economic gain, political influence, access to resources) from selling weapons than from collectively disposing of them. This has guided the strategy of the majority of suppliers with regards to arms on the continent. In understanding the supply networks that support such a trade, a wide range of intermediaries, including organized criminal bodies, arms dealers, transporters and shipping agents, play a critical role. In many cases, these intermediaries are already involved in brokering and other related (and legal) activities, making it difficult to distinguish these from their involvement in the illicit arms trade. In particular:

traffickers as intermediaries, are guided by 'diversifying their portfolio', such that they prefer not to have all their revenues coming from the same source, especially if that source is criminal and illegal. Instead, they are strongly motivated to take some of their profits and invest in legal companies, for a variety of reasons.¹⁶

Furthermore, it makes it rather impossible to track these illicit SALW as they might be transported with other legal products that are used as a cover. Consequently, the fact that these SALW can be easily taken apart and reassembled makes them effortlessly concealable.

Arms traffickers and smugglers have become major economic players in the global illicit trade. Viktor Bout, one of the world's most notorious arms traffickers and described as having the ability to deliver any package to virtually anywhere in the world, has supplied Charles Taylor, the former President of Liberia and the late Muammar al-Qaddafi, former leader of Libya.¹⁷

Historically, the colonial environment created the opportunity for the easy and quick supply of arms to Africa, as these were used to support loyal regimes. Since then, the West has continued to supply various countries and the major suppliers of weapons to Africa have been mainly from Europe. During 2004–08 Russia was the main supplier to Central, North and West Africa with 74% of all major arms supplied.¹⁸ According to data provided by SIPRI, Ukraine exported a significant volume of major conventional weapons, including Ukrainian surplus aircraft, artillery and armoured vehicles to sub-Saharan Africa during 2005–09. Ukraine reported in 2006–07 that it exported 101,500 rifles to Libya and a Russian company reportedly received a contract for the delivery of 500,000 rifles.¹⁹ Official Ukrainian reports show that Chad and Kenya have become important recipients of Ukrainian arms.²⁰ The challenge is that

in spite of the weapons being obtained through legal means and through direct interstate interactions, where they end up and for what purposes they are used are not clearly known. The weak regulation and control are characterized by vague weapons record-keeping systems that do not provide information on the make, model, calibre, serial number and country of manufacture.²¹ On a positive note, UN-appointed panels and groups of experts charged with monitoring and investigating UN arms embargo violations reported that arms and ammunition diverted to armed forces and rebel groups subject to UN arms embargoes, and conflict zones, in sub-Saharan Africa during the 1990s originated from Ukraine.²²

In some cases, it is clearly evident that weapons are being sold from state to non-state and illegal actors. According to Bright Simons in 2009, 'Russia seems increasingly to be selling arms outside official channels to smuggling and contraband rings, thus sustaining vicious local conflicts across the continent.'²³ Furthermore, as Russia was ready to offer potential customers in Africa 'alternative and flexible' forms of payment for military equipment, African markets were attracted to the 'reliability and competitive prices' of Russian arms.²⁴

Demand

Unpacking the demand side of the global illicit trade necessitates one to look at the structural and political context in Africa. Insecure societies provide a lucrative market for SALW specifically because individuals have to be responsible for their personal protection especially with sudden ethno-religious strife and retaliation, reoccurring communal clashes, high crime and banditry, and the absence of state authority and an effective security apparatus. These insecure societies also have high percentages of unemployed and economically impoverished groups which require that they have to resort to crime (or producing arms) to sustain their economic livelihoods. African states continue to demand these weapons and will spend money to do so. Africa purchased \$1.1 billion-worth of arms from Russia between 2000 and 2007.²⁵

The established fact that the state actors also promote and engage in the illicit trade in SALW under the umbrella of legitimacy is equally alarming. In principle, states in upholding their national sovereignty and protecting their citizens have the right to obtain weapons, especially from other sovereign states. In reality, this is the contrary, as governments have obtained weapons from non-state illegal actors, and have used these to attack their citizens violently. In many instances, these weapons are purchased legally but are later used for gross human rights violations by states themselves. A Human Rights Watch report published that the delivery of small arms and other military equipment from South Africa to Rwandan government security forces in 1992 were soon after used in the 1994 Rwandan genocide.²⁶ Reports provided purport the use of South African armed vehicles and personnel carriers to quell and violently suppress demonstrations and gatherings in Guinea, Uganda and Zimbabwe between 2000 and 2009.²⁷

In imposing their rule forcefully, in eliminating the opposition and in suppressing anti-government movements, key state actors have had to arm themselves with illicit weapons. Government security apparatus (police, security, military or paramilitary), anti-government movements, or 'sanctuary groups' supported by various regimes have also received these weapons to push their agenda.²⁸ The illicit trade and the networks are the preferred system as they are secretive, are not limited by regulations and control, and they can be purchased in rather large quantities. Linked to this is the incessant need by various countries to stockpile²⁹ weapons and the question of the arms sufficient for states comes to the fore. Realizing that it is increasingly under threat and that underlying causes and triggers for violence exist, the desire by states to arm themselves sufficiently has become the norm.

With the availability of the weapons comes the fact that these weapons are sometimes not guarded sufficiently. These weapons are sent through formal and authorized channels but in many cases are diverted to other actors that will later use them for illegal purposes. With the prevalence of theft, corruption and leakages, these weapons can easily filter into communities. Weapons shift through multiple consumers and their networks, thereby making it very difficult to trace their origin. With that is the lack of sufficient mechanisms to track these weapons to the end user.

Arms embargoes, meant to inhibit member states from selling, supplying arms and related material to targeted states or entities, remain futile as the flow of these weapons continues. Continuing embargoes on countries such as Côte d'Ivoire and the Democratic Republic of the Congo (DRC) have not stopped continuing access to these weapons due to the various illicit networks through which they are obtained.

Africa as an arms-producing economy

Increasingly African states have a booming local arms-producing sector. Within the past decade, an African arms-producing local economy has strongly emerged and Africa has become a major producer of weapons and ammunition. For instance, 11 African countries are members of the cartridge-producing countries across the world.³⁰ Countries such as Ghana boast a local arms-production industry that continues to thrive. Aning argues that the local arms economy in the 10 regions of Ghana and other Economic Community of West African States (ECOWAS) states like Nigeria, Mali, Senegal and Niger have thrived due to the 'networks of social capital that underpin it and which foster a sense of community closeness among manufacturers and a protective mechanism for the communities within which they are located'.³¹

South Africa remains the only African country with the most technologically advanced industrial capability to produce a wide range of military products. It has exported arms to countries in sub-Saharan Africa (some of which were involved in armed violence at the time of exports such as Chad in 2008–09, Rwanda in 2004–09, Sudan in 2007–08 and Uganda in 2002–09). It has also provided arms to the African Union (peace-keeping mission in Darfur) and to the USA (the largest importer of South African major arms).³² According to the South African Defence Industry Association, South Africa produces a wide range of military equipment for local and foreign markets, including ammunition for SALW and artillery, and components for or complete small arms.³³ Apart from being a producer and exporter, South Africa through its ports and due to its geographic location has also been a transit point for weapons.

Legal instruments and regulatory mechanisms surrounding the global arms trade discourse

A variety of instruments and mechanisms have been put in place to monitor and regulate both the authorized and illicit trade in SALW. These provide concrete recommendations and guidelines to assist and guide member states in combating not only the proliferation of arms but the global illicit arms trade.

Globally, the UN provides a wide range of tools that attempt to monitor and control this global trade. In July 2001 the UN Conference on the Illicit Trade in Small Arms and Light Weapons adopted the legally non-binding Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.³⁴ This appeals to the responsibility of states and calls for export controls, secure storage, the exchange of information and compliance with arms embargoes. On assessment, the programme has been rather monumental in contributing to the development of a global response to the illicit arms trade.

Rather weak, as it is not binding, this document has seen efforts by member states to curb this global illicit economy. According to the Secretary-General's report on small arms in 2008, it was noted that in the implementation of the programme of action, some member states established and revised national legislative frameworks, integrated small arms action plans into national development strategies, worked on weapons collections and destruction programmes, improved their stockpile management, and entered into regional co-operation and assistance.³⁵

In 2001 the UN General Assembly approved the Protocol against the Illicit Manufacture of and Trafficking in Firearms, their Components and Ammunition.³⁶ This protocol provides a legally binding basis for the fight against the illegal trade in weapons. Another important document was approved by the UN General Assembly in 2005: the International Instrument for the Rapid and Reliable Identification of Illicit Small Arms and Light Weapons.³⁷ The UN launched the International Small Arms Control Standards in 2012, which provides relevant information and supports member states in regulating on weapons collection, marking, and record-keeping and tracing.³⁸

The African Union provides a guiding document in the Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which was adopted by the Organization of African Unity (OAU) Ministerial Conference held in Bamako, Mali, in December 2000.³⁹ The declaration speaks to the fact that poorly regulated trade in arms contributes to their proliferation and thereby increases armed violence and instability on the continent. This outcome document was deemed Africa's response and support to the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, which led to the UN Programme of Action on Small Arms and Light Weapons (UNPoA). In September 2011, the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons was adopted at the meeting of member states' experts in Lomé, Togo. This strategy is meant to enhance the capacities of member states, regional economic communities (RECs), regional bodies and the African Union Commission (AUC) in the implementation of measures to curb illicit activities of SALW, while strengthening co-operation at national, regional and international levels.⁴⁰ It is interesting to note that this continental strategy comes over 10 years after its adoption of the Bamako Declaration. There is still no legally binding framework currently in place by the African Union in relation to illicit SALW; however, this strategy has been defined by the AU as the first step in the process of developing such a framework.⁴¹

Africa's most relevant and advanced regional instrument is the ECOWAS Convention on Small Arms, Light Weapons and Their Ammunition and Other Related Materials.⁴² This is a comprehensive and relevant document that significantly provides a framework through which the production, sale, transfer and purchase of small arms and light weapons in the sub-region can be addressed. The Convention requires that member states provide information on transfer controls and international arms transfers.⁴³ Commitments by member states to implement and commit to these 'binding' frameworks in many cases are still not assured. The Southern African Development Community (SADC) firearms protocol, a legally binding document, focuses on promoting co-operation among states to curb and prevent the illicit global trade in SALW.⁴⁴ Joint co-operation between member states to destroy and collect weapons has been successful. The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa is a legally binding document entered into by member states in May 2006.⁴⁵ Arms control activities in the region have involved arms and ammunition collection and destruction.

Arms Trade Treaty (ATT)

In December 2006, 153 governments voted at the United Nations to start work on developing a global Arms Trade Treaty (ATT). In establishing common international standards for the import, export and transfer of conventional arms, the General Assembly acknowledged the 'right of all States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs, and in order to participate in peace support operations'.⁴⁶ The treaty gives member states the space to engage in the global arms trade, while still respecting international law, including international human rights law and international humanitarian law. The treaty will not have any impact on the decisions made by states on where they will export to and what they will export, but will essentially motivate member states when making those decisions, to ensure that what they export is not diverged from or misused by the end user.⁴⁷ The ATT is therefore well placed to supplement and support ongoing instruments.

The ATT is a document that is to be comprehensive and legally binding and will apply to states, arms-producing companies, arms brokers, non-state groups and individuals.⁴⁸ The value of such a treaty that includes non-state actors is a major step in trying to combat the illicit global trade in SALW, and ensures the monitoring and regulation of these actors. Furthermore, the treaty is meant to be transparent and accountable and should create a system of regular reporting by member states and a forum to share information amongst them.

There have been differing opinions on the frequency, content and purpose of reporting.⁴⁹ The idea, however, is that states will be mandated to report back on how they have applied and implemented the ATT within their borders. The ratification of this treaty by all member states will be pivotal in ensuring that arms transfers do not violate human rights and humanitarian priorities.

The challenge has always been how to ensure that member states abide by the legal and binding instruments once they have ratified them. Challenges of political will and the lack of commitment still persist. If it is expected that member states, by ratifying the treaty, commit to submitting reports on how they have applied and implemented the treaty, past experiences show that this will not be successful. How the treaty will address non-state actors including brokers and transporters will depend highly on how member states commit to abiding by the treaty. The commitment from member states is one to watch once the treaty is, it is hoped, signed in 2013. As of time of writing, the ATT had yet to be ratified. However, the UN General Assembly had committed to convene a Final Conference on the ATT in 2013 to finalize deliberations on its contents.

In Africa, regional bodies are engaged in discussions on the ATT: for instance, the ECOWAS region presented a common position in a meeting held in December 2010 in Cotonou.⁵⁰ The African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons is seen as representing a common continental position on the ATT.

Conclusion

Africa will continue to remain a major player in the global illicit trade in small arms and light weapons, especially as a market that demands these goods and as an emerging producer and supplier within and possibly outside the continent. Understanding the demand and supply process of the global arms trade is important in curbing this market. This requires identifying existing networks, understanding how the arms trade works and finding avenues to curb their transactions and the movement of these arms. The role of new technologies becomes very important in limiting the supply, production and purchase of these arms, and the networks that control this market.

The Arms Trade Treaty, through efficient and timely reporting by member states, will increase efforts to combat the trade; however, it is too early to tell how successful the implementation of this treaty and the commitment of member states will be. Detailed and accurate recording programmes for weapons and ammunition will promote accountability and transparency. This will guarantee that they are identifiable and easily traced and this becomes useful in determining when weapons have diverged from their intended destination. The right technology to trace, monitor and record weapons and ammunition will ensure that these processes are successful.

It is important to address the structural deficiencies in African societies that encourage the demand for illicit small arms and light weapons. The global illicit trade in small arms and light weapons mirrors a broader systematic problem in Africa, and that is the current political and social dynamics in which many countries find themselves. Structural deficiencies including ethnic marginalization, political repression, poverty and underdevelopment remain a major problem and must be resolved. The solution therefore requires that efforts to ensure the security of the population are paramount and that the security actors are credible, reliable and professional. Trust between the citizens and their security actors, more specifically the police, is also important in addressing 'real' or 'perceived' threats to peace. Furthermore, strong economic and political institutions that are democratic, fair and transparent will also enhance peace and security on the continent.

Notes

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Africa and the United Nations Peacebuilding Commission

Grace Maina

Introduction

In the last few decades Africa has witnessed numerous conflicts that have resulted in deaths, destruction and displacement of populations. More than 30 wars have been fought in Africa since 1970, and most of these have been internal rather than inter-state wars.¹ Since the end of the Cold War there has been a decline in the number of conflicts and a reduction in violence and this is also true of sub-Saharan Africa. Different warring countries on the continent are now referred to as post-conflict states. Whilst there has been a decline in the numbers of conflict and deaths this has not prevented the outbreak of new conflicts and resulting deaths, such as those witnessed during the Arab uprising, which engulfed Egypt, Tunisia and Libya from mid-2010. Many African societies have made the transition through the peace continuum. Some of the most commendable successes in this regard have been witnessed in Africa in countries and regions that have had the worst record of human tragedy and loss, such as the Mano River and the Great Lakes regions. This has often been followed or complemented by the presence of a United Nations (UN) or African Union (AU) force tasked with safeguarding the peace of the citizenry. In tandem with this and also following many of the peace-making initiatives, communities engage in the task of rebuilding and restoring both relationships and society. This process of rebuilding and restoring is what we refer to as peace-building. It is this process when done well that ensures and safeguards the security of communities. It is critical to point out that much of the decline in conflicts has taken place despite the structural pitfalls that are often associated with triggering or causing conflict. It has been argued often that the reason for this could very well be the investment in peace-building and conflict prevention. Over the years different actors and stakeholders have contributed to the peace-building processes of war-torn African states. These stakeholders include governments, the UN (which finds expression in the different UN agencies), international financial institutions, regional organizations and civil society organizations.

Over time there has been a proliferation in the number of actors and stakeholders working in the area of peace-building which has resulted in the duplication of peace-building activities, wasted resources and unhealthy rivalry between and among many peace-building institutions. This prompted the realization that there was a need to synergize the activities of all stakeholders. It was against this backdrop that the UN Peacebuilding Commission (UNPBC) was created. This chapter will assess the establishment of the UNPBC and examine some of its interventions in Africa.

The emergence of the UN Peacebuilding Commission

The UNPBC was formed with the central objective of bringing together all relevant actors, to marshal resources and to advise on strategies for post-conflict peace-building and recovery. With most countries going through different post-conflict peace-building processes, many stakeholders could easily regard such a country as successful and therefore formulate plans for consequent withdrawal. The UNPBC as part of its mandate was therefore tasked with ensuring that there was international attention on different post-conflict countries and where necessary address critical gaps that could curtail the long-term peace-building process.²

In terms of its structure the UNPBC is made up of an Organizational Committee which includes the members of the Security Council, seven members elected from regional groups by the UN Economic and Social Council (ECOSOC), five top financial providers, five top providers of military and civilian police personnel, and seven members elected by the UN General Assembly.³ The UNPBC also has country-specific configurations which include the country under consideration, countries within the region engaged in post-conflict work, relevant regional organizations, financial and personnel contributors to the mission under consideration, and the senior representative in the field. The UNPBC has been in operation in Africa in Burundi, the Central African Republic (CAR), Guinea-Bissau, Liberia and Sierra Leone. The purpose of this chapter, therefore, is to analyse to what extent the UNPBC has contributed to peace-building efforts in Africa?

The intention of UNPBC: the challenges of peace-building in Africa

The current peace-building environment has attracted a diverse range of actors, including humanitarian actors, development practitioners, peace-keeping and peace-building actors and stakeholders. With this multiplicity of actors and stakeholders the post-conflict environment is often characterized by a variety of competing interests and it is these interests that shape the priorities of these communities.⁴ The difficulty, however, has been in defining what constitutes a priority in the peace-building phase and what is important not just to the assisting international community but also to the local community recipient to intervention. The peace-building interventions have often been criticized for being devoid of local expression and mandate. The urgency of intervention often has meant that interventions have rarely been co-ordinated and the implication of this has been duplication and mismatched programming for peace-building which has often rendered interventions ineffective. It is on this premise that the intention of the UNPBC finds legitimacy, and there is a necessary function that this entity can play in co-ordinating and enhancing coherence amongst all relevant actors and stakeholders.⁵

In considering the constitution and structure of the UNPBC there are particular elements of its set-up that render it a useful entity in addressing the challenges of co-ordination in peace-building. An advantage in the functioning of the UNPBC is that the entity enjoys direct access to the Secretary-General and that the latter can ask for recommendations from the UNPBC independently whether or not the matter is under consideration by the Security Council.⁶ This therefore means that it is possible for issues to be addressed faster without the unnecessary bureaucracy that could hinder timely intervention for peace-building. The fact that all the permanent members of the Security Council are part of the UNPBC, which works on the basis of consensus means that decisions regarding peace-building in countries under the UNPBC mandate can be made more easily and more timeously.⁷

There have been numerous expectations of the UNPBC; perhaps the most significant of these was that the commission would be a critical actor in enhancing the accountability of post-conflict

actors. Other expectations were that the commission would be well placed to call for different agencies in the peace-building arena to align themselves in a particular way. Analysing the actions and work of the commission one is left to wonder whether it has enough clout to command leadership of all stakeholders in peace-building. In reality the commission serves a purely advisory role and acts as a subsidiary body incapable of exercising authority over other agencies and peace-building-oriented programmes.⁸ There are numerous reasons that make this the case, but the central intention for why the UNPBC was formed does bear merit as the peace-building environment in post-conflict Africa is in critical need of coherence and co-ordination.

While the commission is largely incapable of meeting all these expectations, it has achieved a number of notable successes, such as acting as a useful compelling channel to some of the key stakeholders in peace-building. Following the initial two years of its operation, some PBC members were of the opinion that the forum of the PBC had compelled the World Bank and the International Monetary Fund (IMF) to modify or in the very least rethink their approaches in Burundi and Sierra Leone.⁹ The collective thinking and strategizing as a core function of the PBC bears potential and cannot be disregarded as unimportant.

Notable contributions of the UNPBC have been the drafting and now implementation of the Agenda for Change policy document in Sierra Leone, which seeks to bring together all relevant stakeholders to build and develop this post-conflict state.¹⁰ The PBC's contribution has been in garnering international attention and financial support to the peace-building process in Sierra Leone and this has in part addressed issues of chronic poverty. An example of the PBC's contribution has been in its advocacy that resulted in key partners producing a Joint Response to Youth Employment. Whilst the financial aspects of the PBC's involvement have been meaningful, there is still great need for continued and focused international attention and financial assistance. The PBC played a role in the 2007 elections and created forums for dialogue.

In the Central African Republic the commission supported an all-inclusive political dialogue that resulted in the establishment of the electoral commission.¹¹ The UNPBC has also played a significant resource-mobilization role in the CAR. In Guinea-Bissau, contributions in support of the 2008 elections could in part be attributed to UNPBC advocacy. Continued assistance from the African Development Bank, IMF and World Bank to Guinea-Bissau has in part been linked to the work of the PBC.¹²

The UNPBC has been instrumental to Burundi's peace-building agenda and has worked with the government of Burundi to identify key peace-building goals and challenges. The UNPBC's main mandate in Burundi was to raise the needed resources for post-conflict peace-building, strengthen and build institutions, and increase the co-ordination of actors so as to articulate a more co-ordinated approach to peace-building.¹³ The UNPBC Burundi Configuration worked with the government of Burundi and other stakeholders to develop a Strategic Framework for Peacebuilding in Burundi. The Framework includes an analysis of the risks to peace-building in Burundi, the commitments of specific stakeholders to achieving peace-building goals, and an agreement to establish a monitoring and tracking mechanism to measure progress.¹⁴

Structural dysfunctions of the UNPBC

The UNPBC's mandate is primarily challenged by the dysfunction of definition. The vague nature of peace-building often renders everything a priority. The lack of uniform strategy when it comes to regulating and co-ordinating the peace-building environment is a challenge for the UNPBC. There is a thin and vague line between what constitutes a peace-building project and a development project; the lack of clarity as to when peace-building ends and development starts is a critical weakness that undermines the working of the commission. The UNPBC has a

mandate only in the context of post-conflict peace-building, but the very definition of what constitutes a 'post-conflict' situation is difficult and not always clear cut.¹⁵ A good illustration is northern Uganda, a situation that is post-conflict but exhibits features of a low-level conflict situation.

The UNPBC's functioning is critically undermined by its structural constitution and by practical and operational reasons.¹⁶ Even though there is nobility in the intention of forming the UNPBC, significant weaknesses and challenges continue to inhibit the success of its role. A critical structural weakness of the UNPBC is the fact that it operates on consensus, meaning that any of the members of the commission has a *de facto* veto.¹⁷ This means that while an issue could be critical to a particular country, it is possible that this could get deferred on the basis of consensus. The commission's working also becomes subject to the Security Council's politics.¹⁸ The UNPBC does not have the ability to act on its own accord, and must always make recommendations to the Security Council and the General Assembly to get directives on direction. So while it does have direct access to the Security Council and the Secretary-General, the commission lacks the power to make decisions. This is a structural weakness that undermines the functioning of the commission.

The UN system and post-conflict environment are characterized by different actors all competing for limited resources. There is huge competition for funds between different international and regional actors in peace-building. Since the UN system is not mainstreamed in terms of accessing funding, this has meant that the different UN agencies have had to compete for resources, meaning that the UNPBC has not had an abundance of funding to carry out its intended role.¹⁹ The UNPBC has had limited functionality and in reality it is largely marginalized within the UN hierarchy of institutions, subjected to the dynamics of international politics, meaning that the commission has been structurally disadvantaged in carrying out its tasks. The PBC's budget is dependent on a voluntary fund and contributions from UN member states have been uneven and the supply unreliable.²⁰ The UNPBC may be politically polarized as competition for its capacity and resources intensify.²¹ As it is institutionalized in a global-political framework, key global-political actors have disproportionate influence over PBC actions and often will dictate the operation and functioning of the commission despite the desired 'local ownership'. The PBC needs to demonstrate its added value and relevance in peace-building so as to earn its place as a main player in peace-building.²²

Whilst Peacebuilding Commission (PBC) documentation and literature consistently refer to the importance of incorporating regional entities and communities into its peace-building initiatives, there are few insights on how this can be achieved. There is still a lack of regional integration and strategies. The UNPBC continues to operate on a per-country basis and has done very little to incorporate regional allies and actors into the process of peace-building. This approach could enhance efficacy in peace-building.²³ There is ample evidence that cross-border challenges can be dealt with within the regional approach to peace-building.²⁴

The lack of co-ordination between the commission and the UN Peacebuilding Fund (UNPBF) is also a structural weakness that continues to undermine the workings of the commission. Each of the entities is completely independent of the other and therefore this has meant that the UNPBF does not have to synchronize its efforts with the UNPBC. In both Sierra Leone and Burundi, the UNPBF gave funding before an approved UNPBC strategy. The lack of co-ordination between these entities challenges the working of the UNPBC.²⁵ There has also been a rush on the part of many member states in Africa to perceive membership in the UNPBC as an end point. Therefore there is a lot of advocacy by many member states to this end so as to ensure access to UNPBF funding. This, however, has not been matched with strong strategies on the part of individual countries, and the incentive has often seemed to be

the funding. There is a need for more co-ordinated effort to ensure proper strategy between the UNPBF and the UNPBC. Whilst the fund is meant to complement the UNPBC, many recipient countries view the UNPBC as a route to obtaining finances from the fund.

The structure of the UNPBC does not deal with issues of prevention or relapse of conflict. The lack of investment in early warning mechanisms or linking to early warning mechanisms is a critical structural dysfunction that weakens the functioning of the UNPBC. A case in point is Guinea-Bissau, a country in which the commission is present, but where in the recent instances of violence the commission was incapable of reacting.

In 2010 the PBC reviewed its intervention and work through rigorous engagement with different stakeholders in line with resolution A/RES/60/180, adopted by the 60th Session of the UN General Assembly in an effort to synergize the work of actors involved in the work of post-conflict reconstruction and development. Whilst this exercise enabled a reflection and introspection of the work and efforts of the UNPBC, the challenge of measuring and quantifying success in peace-building continues to linger. This evaluation did, however, enable actors to assess the UNPBC against the backdrop of its set objectives. Whilst quantifying success in the UNPBC countries remains onerous, this evaluation did provide the much-needed reflection on the workings of the UNPBC and made proposals as to how its work could be further enhanced.

Operational weaknesses that plague the functioning of the PBC

A major operational weakness of the UNPBC has to do with the contention over who operationally controls it. There is no clear clarity following the principle of consensus whether the UNPBC is under the operational control of the UN or under the influence of the government in which it operates. The desire to ensure local ownership over the activities of the UNPBC continues to dominate the conversations around its operations but this ownership is yet to be realized. The fact that all the Security Council members are members of the commission also raises questions as to the selection of the countries chosen as UNPBC beneficiaries. This uncertainty over the control of the commission continues to cloud its operations. The all-inclusive structure of the commission also renders an overemphasis on integration of actors and under-emphasis on strategies for all actors. It therefore takes longer for the commission to make decisions on appropriate intervention. Even though the commission tends to be inclusive of all relevant stakeholders, sometimes it is apparent that the Bretton Woods institutions clearly take the leading role in influencing most major decisions about national priorities.²⁶ This further complicates the question over control.

A significant problem of the UNPBC has to do with vague and non-specific conflict analyses done of the root causes of conflict in the different countries of its operation. Kartas, in analysing the UNPBC, discusses the conflict assessments made of Sierra Leone and Burundi and points out that despite the very different nature and history of the conflicts in Burundi and Sierra Leone the conflict assessments were almost identical and identified bad governance as the principal root cause of the conflicts.²⁷ The good governance narrative seems to take centre stage in all analysis, and constant comparisons to 'ideal Western institutions' often ignores the cultural, historical and social contexts that form the foundation of African states. The setting of priorities based on this forms of analysis does render itself a challenge. There has also been an over-emphasis on security sector reform programmes. In Sierra Leone and Burundi over 40% of the budget allocated to post-conflict peace-building was spent on security sector reform. The question here is whether this was the most pressing need for these communities following the war and would the funding have been better utilized on other socio-economic programming. If the

commission is to be effective there is a need for it to facilitate a policy shift from security stabilization to economic sector integration in the long term.²⁸ This will result in reducing the role of the Security Council and in increasing the role of ECOSOC, thus focusing on the mandatory questions of survival and livelihood. An approach that lays more emphasis on the security sector to the disregard of other critical areas is counterproductive in averting future conflict.

The marginalization of civil society has been a major criticism of the operation of the UNPBC.²⁹ Civil society has had opportunities to present information and debate on issues within the commission but the same does not hold during decision making, rendering civil society as a weak actor in peace-building debate and action. This in turn means that civil society is not well placed to monitor and check the operations of the UNPBC. In the majority of African countries civil society is an integral and key component of the local constituency, and its exclusion is therefore a critical operational weakness of the commission.

Another functional operational weakness of the UNPBC is that the work of the commission is not well known or understood outside the UN constituencies. This could be linked to the fact that there is a lack of sufficient human resource in UNPBC countries. The in-country representation is significantly low, giving the impression that most decisions of the UNPBC are made at the New York level without much credence given to the local reality and expression. The failure properly to integrate the UNPBC within existing UN structures in these countries also further undermines the agenda of the UNPBC, as the Peacebuilding Support Office does not have adequate support and capacity at the local level. Some scholars have argued that the UN does have the needed capacity and expertise to implement peace-building programmes and that all that is required is better co-ordination of all the different actors.³⁰ As to whether this should be institutionalized in a single peace-building and support office is another question.³¹

Whilst the UNPBC enjoys particular advantages from its structure, it is imperative that the UNPBC overcome the challenges in its structure and operation. The UNPBC must, as Tschirgi argues, adopt a *multi-tiered approach* designed better to identify and respond to multiple peace-building challenges.³² Failure to achieve this multi-tiered approach will render the commission a marginal actor in a crowded peace-building field.³³ To do this it is critical that the UNPBC focus more on the qualitative aspects of peace-building than the quantitative aspects.³⁴ The UNPBC in this way must establish itself as the central sought-out entity on peace-building matters. The UNPBC must identify spaces and gaps within the peace-building architecture and solidly build its niche, by addressing the different challenges this paper raises. It is only in this way that the commission will cease to be just another actor and place itself above all other actors, with an ability to co-ordinate.³⁵

The African Union and the UNPBC: a desired relationship

The task of peace-building is one that needs primary attention on the African continent. Regional organizations such as the African Union and regional economic communities (RECs) have a significant contribution to make in this regard. The creation of the African Peace and Security Architecture (APSA), which is a framework for crisis and conflict management on the African continent, is noteworthy in this regard. While APSA is a viable security strategy dealing with the principal threats in Africa, it is still limited in its engagement by the political will of AU member states and developments at the regional level. While the achievements of the AU in the area of peace and security cannot be disregarded, it is a fact that the activities have been more driven towards solving conflicts and achieving peaceful resolutions, which are initial contributions to peace-building. The AU has, however, played a very limited role in post-war peace-building tasks.³⁶

The current post-conflict initiatives in Africa, mostly administered by international actors, though well intentioned, have not been well articulated and planned out. The practice of different actors has at times failed to be grounded in local realities following local contribution and interaction and this has often resulted in a mismatched and unsuitable peace-building agenda. Failure to understand the conflict realities in most cases and the zeal for the most part to get on with the business of rebuilding has often resulted in weak peace-building processes. It is imperative to note that any resolve that does not address the root causes of war is only temporary and such a society will only be webbed in a vicious cycle of war and 'temporal peace'.

The similar and shared history of many African states stands to inform better peace-building activities in post-conflict states. The daily realities of poverty, economic and social struggle are common to most African states. This therefore gives the AU a rare advantage in the prioritization of the peace-building agenda.³⁷ This mandate is articulated in the African Union Post-conflict Reconstruction and Development Agenda.³⁸ This agenda has been criticized for being highly ambitious and one wonders if it would have been better if the AU had limited itself to a set number of priorities. The definition of what to include or not to include in peace-building is a challenge in this regard.

There is a necessity for all actors to co-operate in peace-building. Murithi speaks of establishing a symbiotic relationship between the AU and the UN in regard to peace-building.³⁹ This would render purpose to the relationship between the UNPBC and the AU post-conflict reconstruction and development. The objective to such a partnership would be to promote a complementarity of functions.⁴⁰ This being said, it is critical to note that the AU is a political organization, and is as such subject to competing interests and plagued with the inability to derive consensus. The shortage of funding to do peace-building work is also an issue, and the competition for resources by both the AU and the UNPBC for peace-building could undermine the possible partnership.

Another fundamental initiative that can be undertaken by the AU in partnership with the UNPBC as regards peace-building could be in the interrogation and evaluation of peace-building processes and objectives in different African countries. This could involve discussions around establishing benchmarks in terms of peace-building practices and processes. In the majority of peace-building situations across Africa, there is a need to construct for the affected societies a structure and foundation upon which future development can be based. There is a need to prioritize the needs and fears of the individuals and of the community and to pursue methods to address the challenges in peace-building. The post-conflict environment is usually marked by the strong presence of the international community. In carrying out the tasks of peace-building and reconstruction there is often a tendency by these actors to presume a lack of local agency when drafting and implementing peace-building programmes.⁴¹ The African Union, in comparison to the UN, is better placed as a regional organization to represent or at the very least protect that agency.

It is unfortunate that the peace-building agenda has often been characterized by short-term initiatives led and funded by Western institutions, but the reality of this is that it cannot be done in the short term. There is therefore need for African institutions such as the AU mandated with the task of peace-building to formulate and advocate for longer-term programmes and initiatives. As such, the AU can play a fundamental role in the conceptualization of programmes to ensure that the peace-building processes match the local realities recipient of these programmes and processes.

Peace-building in the complex and difficult terrain of Africa is a challenge and it requires the requisite resources and energies from all quarters. Peace-building in African states must be matched with reasonable time frames, to ensure that it is properly anchored. In the absence of structured and robust pure local peace-building programmes through regional institutions and

local governments, there is an urgent need to strengthen the role of the UN in this regard by encouraging its partnership with local and regional entities. The AU has a unique and ideal opportunity as a continental institution to contribute to the experience, intervention and relevance of peace-building initiatives. There is therefore a need to formulate an active working relationship between the AU and the UNPBC.

Conclusion

The UNPBC is a necessary entity in today's peace-building world and more so in Africa. The peace-building environment is crowded with numerous actors, all with ostensibly good intentions. The proliferation of peace-builders necessitates an entity, such as the UNPBC, that can co-ordinate the environment so as to ensure coherent programmes that bring about sustainable peace and avert future conflicts. The Peacebuilding Support Office (PBSO) provides a critical point of entry into inter-agency structures of various types.⁴² It is through the co-ordination of these different agencies that the PBSO places itself in a unique position within the peace-building environment of any one country. Given the different actors and stakeholders in the UNPBC, the PBSO is able to draw on the political clout of PBC member states and other stakeholders such as the international financial institutions. This type of influence could go a long way to enhancing the UNPBC's engagement in the different countries of focus.

To increase its impact on the different African countries, the relationship between the UNPBC and the AU post-conflict reconstruction and development (PCRD) cannot be overstated. It is critical to note here that the AU PCRD also faces tremendous challenges in its application, but the same should not inhibit the coalescing of the two entities toward a common goal which is ensure peace is built in Africa. The commission must endeavour to relate effectively with regional mechanisms that would enhance its implementation on the ground. The co-ordination of actors and stakeholders cannot and should not preclude African actors, but must include them to ensure properly and effectively administered peace-building programming. Civil society actors in Africa cannot and should not be disregarded as they are representative of the local constituency in many parts of Africa. The UNPBC should endeavour to include their input in its strategy and work, in order to ensure that peace-building is matched to local realities.

In conclusion, the UNPBC engagement in Africa has been modest with minimal gain in its first years of operation. The commission has been plagued with structural and operational weaknesses despite its well-articulated intention upon formation. Unless some of these weaknesses are countered, the commission will continue to operate in the margins of peace-building. It is imperative that if we are to achieve success in the peace-building environment in Africa, all efforts must be properly articulated and co-ordinated. It is this co-ordination and uniformity of strategy that will ensure that peace-building efforts in the different countries in Africa are effective, thus making a case for an entity such as the UNPBC.

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The World Bank and the International Monetary Fund in Africa

Paul Clements

Introduction

Half a century ago, decolonization swept like a wave across sub-Saharan Africa, raising hopes and expectations of the future for Africa's peoples.¹ Today, the mood is much more sombre. Recent years have seen significant improvements in many African countries, but often these consist largely of recovery from earlier disasters. During five decades in which Asia and Latin America made major advances, most African countries were beset by repeated setbacks and disappointments. Although the proportion of Africans living in poverty has declined, the absolute number is higher today than at any time in history.

Without a doubt, the two external institutions with the greatest influence on Africa's development during this period are the World Bank and the International Monetary Fund (IMF). They have channelled more money to Africa, organized more projects and exercised more direct guidance over African governments than any other foreign agents. Clearly, the Bank and the IMF are implicated in Africa's disappointing performance, but how should their effects be understood? While the details this chapter offers to answer this question are complex, the basic explanation is straightforward. The World Bank and the IMF never developed the competence to address Africa's development challenges. Their own bureaucratic interests got in the way, and for the Western powers that control them, their development effectiveness was never a high enough priority. Africa's economic future depends on its governments building their own autonomy in promoting their national interests.

Contextualizing the Bretton Woods institutions in Africa

The World Bank's and the IMF's main instruments have been development projects (for the World Bank), structural adjustment programmes (and their variants) and, more recently, Poverty Reduction Strategy Papers (PRSPs). In the 1960s and 1970s the former colonial powers (and the USA) continued to exercise great influence in Africa. By the end of the 1970s, however, World Bank spending on development projects in Africa exceeded that of the US Agency for International Development (USAID), and the Bank was clearly the continent's pre-eminent development agency.² The debt crises that struck many African countries in the 1980s gave the Bank and the IMF a voice in national development strategies by way of loan conditions in

structural adjustment programmes (SAPs). Then, around 2000, SAPs were replaced by PRSPs. These work a lot like SAPs, but with more involvement of other donor agencies and organizations from civil society, and a new emphasis on increasing national budgets for health and education. The Bank's and the IMF's power has been enhanced by their gatekeeper status, as other donor agencies have waited for SAPs and PRSPs to be concluded before committing their own funds to African governments.

The primary factor in the World Bank's and the IMF's poor performance, therefore, has been disappointing results from the Bank's development projects and from SAPs and PRSPs (which are jointly managed by the two agencies). Beyond their direct impacts, however, the Bank and the Fund have also conditioned the evolution of national governments. They have greatly influenced the strategic environments facing governments and individual civil servants, and these effects should also be taken into account.

The bureaucracies that Africa's newly independent governments inherited from their former colonial masters tended to be relatively weak, and mainly oriented to tax collection, law and order, and facilitating exports of agricultural products and minerals.³ Most national borders had been drawn arbitrarily, institutions of democratic accountability were woefully weak, and many countries had only a handful of citizens with college educations. Economic growth would depend, for most countries, on improving agricultural productivity and launching successful industries. In fact, this is still the challenge today—perhaps the strongest evidence of the Bank's and the Fund's ineffectiveness in Africa is found in the under-developed state of agriculture and industry across most of the continent. The challenge for countries blessed with mineral wealth was to channel profits into development investments and services for the poor majority. For the most part, this challenge, too, remains to be faced.

The World Bank and Africa

During the 1960s World Bank lending to Africa was relatively low, and over two-thirds of it was devoted to infrastructure projects (the rest was divided between agriculture 15%, finance and industry 1%, social 8%, and other 8%). Most African governments were managing transitions to independence buoyed by high commodity prices, and economic growth rates during this decade were respectable. During the 1970s World Bank lending tripled in value while the quality of governance in Africa generally deteriorated. Also, infrastructure lending declined to 39%, agricultural commitments rose to 31%, and loans for finance and industry also increased, but only to 8%.⁴

Several factors were involved in the widespread decline in the quality of governance (particularly economic governance) in the 1970s. Overly ambitious goals, limited administrative capacity and increasing corruption were important and mutually reinforcing. Development strategies in many countries were undermined by ethnic conflict and the rise of dictators with little skill in economic management, and many governments were keen to transfer government jobs and economic power from Europeans and Asians (legacies of the colonial period) to black Africans. Ethnic loyalties often trumped formal qualifications in the allocation of government jobs. The Organization of the Petroleum Exporting Countries (OPEC)-inspired rise in oil prices in 1973 and 1974 put pressure on many government budgets, as did declines in world prices for many of Africa's commodity exports.⁵ In many countries agricultural marketing boards with monopoly powers became increasingly corrupt and inefficient, often transferring much of the value of agricultural exports to civil servants and urban consumers.⁶ Few of the state-owned industries established in the 1960s and 1970s proved to be profitable.

In this context, the dramatic increase in World Bank projects contributed more to the problem than to the solution. Three factors are particularly salient. First, Robert McNamara,

President of the World Bank from 1968 to 1981, was intent on expanding the Bank's budget and increasing its power world-wide including in Africa, and he was personally involved in increasing lending of dubious quality to many African governments.⁷ Second, the World Bank had established an organizational culture that emphasized the quantity more than the quality of lending, with professional rewards for granting more and larger loans but limited accountability for development impacts.⁸ Third, when World Bank projects are evaluated it is by the World Bank itself, and these self-evaluations are often positively biased.⁹ This undermines prospects for accountability and learning.

The World Bank usually hired expatriate contractors to manage its projects and, distrusting African government bureaucracies, it often established new organizations to implement the projects. These project agencies usually had more resources and better conditions of service than the government ministries they displaced. When projects were completed and external funding ran out, however, most of these new agencies proved unsustainable. A case in point was the integrated area development projects that served as the main vehicles for the Bank's agricultural spending in Africa in the 1970s. These would bring a variety of agricultural and other services and infrastructure to a single region within a country, but they often ended up collapsing under the weight of their own complexity and for lack of ongoing government support.¹⁰

In the 1980s, most African governments found themselves unable to repay debts owed mostly to bilateral and multilateral development agencies. Also, 1980 (or thereabouts) is generally taken as a major turning point for the strategic consensus within the professional and academic development communities. From the 1950s through the 1970s a state-led approach was widely favoured, with the World Bank often encouraging African governments to adopt five-year plans, including detailed plans for investments in agriculture and industry. The 1980s and 1990s were dominated, at least within the leading multilateral and bilateral development agencies, by what came to be called the 'Washington Consensus', designating the private sector as the primary engine of economic growth and relegating the state to a supportive role. The World Bank and the IMF interpreted the debt crisis as evidence of the failure of the state-led approach and, since governments could not secure debt relief without support from the Bank and the Fund, these agencies had significant power to enforce a new approach.

Weak economic management by African governments clearly contributed to the debt crisis and, at least from a legal perspective, a government is clearly responsible for the debts it incurs. Other factors, however, were also relevant. Oil prices doubled in 1979 and the world economy fell into recession, reducing demand and prices for African exports. Many industrial countries subsidized their own farmers to grow crops that African peasants were trying to export, in defiance of the free market principles these countries imposed on Africa, making it harder for structural adjustment programmes to succeed. The rise of the Washington Consensus was due in part to the elections of President Ronald Reagan in the USA and Prime Minister Margaret Thatcher in the UK, as they imposed their conservative ideologies on the Bank and the Fund. Structural adjustment programmes would reduce barriers to trade and increase exports, enhancing market access for Western corporations, reducing prices for Western commodity imports and protecting Western banks (particularly those that had made large loans to Latin American countries that were also subject to SAPs).

Another factor contributing to Africa's debt crises was disappointing results from development projects funded by the World Bank and other mainly bilateral donor agencies. These projects were always formally requested by African governments, but they were normally designed and supervised by the major funder. Structural adjustment programmes placed the blame for a country's economic crises on misguided national economic policies, diverting attention from donor agencies' problems in designing, supervising and evaluating projects.

Lacking significant accountability for the results of its investments, the World Bank had little incentive to revise its organizational arrangements and lending modalities.

In 1979 economist Uma Lele produced an in-house assessment of the Bank's agricultural projects in Africa. She argued that there were too many excessively large and complicated projects driven by spending targets, and that what Africa really needed was to build its human and institutional capacities in agricultural management: 'planning and policy analysis capabilities; the building of cadres of indigenous expertise (instead of the importation of so much technical assistance); and the nurturing of agricultural research, education, and extension.'¹¹ Generally the Bank's lending model was poorly suited to countries with the weaknesses in governance discussed above. In order to build the institutional capacities of African governments, instead of supervising projects from Washington the Bank would have needed to build its own institutional capacity in Africa.¹² To establish an organizational culture oriented to achieving cost-effective development impacts rather than to reaching spending targets, it would have needed rigorous external evaluation, but the new focus on structural adjustment displaced attention from possibilities such as these.

Africa's average per capita economic growth rates for the decades of structural adjustment were -0.79% for the 1980s and -0.46% for the 1990s, compared to 1.04% for the 1960s and 0.86% for the 1970s,¹³ and Africa's total debt rose from US\$60 billion in 1980 to \$230 billion in 1995 (having been \$10 billion in 1971).¹⁴ Clearly structural adjustment did not succeed in rekindling growth in Africa, and there are two compelling reasons for this failure. First, African governments generally did not become serious proponents of private sector-led growth strategies. They accepted structural adjustment loans as a matter of financial necessity, but they usually failed to comply with many of their conditions.¹⁵ Second, insofar as SAPs were actually implemented, the private-sector response was weak.¹⁶

The IMF and Africa

Africa did have many inefficient state-owned enterprises and agricultural support agencies. In most countries, however, there were few large-scale private entrepreneurs ready to purchase and turn around failing enterprises. When foreign corporations did come in, such as to purchase utility companies in a few of the more advanced African economies, they often used their monopoly power to increase prices more than extending supplies.¹⁷ The belt-tightening policies imposed by the IMF to reduce consumption (so countries would be better able to repay their loans) also led to reductions in critical imports of raw materials and spare parts, causing established enterprises to leave productive facilities idle.¹⁸ When agricultural support agencies quit providing subsidized inputs and guaranteed (if monopolized) markets to farmers, most farmers retreated to low-input, low-productivity strategies that could at least offer a fairly reliable subsistence.¹⁹

Although debt crises gave the IMF significant power in Africa, the Fund was not accustomed to promoting economic development. The IMF was established to help governments to make their way through balance of payments crises without destabilizing international financial systems. Governments typically seek assistance from the IMF when they lack foreign currency to repay foreign loans. An IMF programme usually consists of government promises to carry out a sequence of measures to reduce its expenditures and/or increase its revenues and exports in exchange for a relatively short-term loan, often delivered in 'tranches' as the promised measures are carried out. Since inflation is often concomitant with debt crises and hinders their resolution, IMF programmes often aim also to reduce growth in the money supply, such as by reducing government spending or loans to the private sector. Whereas the World Bank aims to promote economic development, the IMF's main goal is financial stabilization. The premise

underlying the Fund's typical approach, however, is that changes in government financial policies can in fact lead to stabilization. If the gap between export revenues and repayment obligations has grown too large, no package of financial measures may be sufficient to bridge it. The term 'structural adjustment' refers to longer-term measures to change the structure of an economy, ostensibly so it can return to economic growth, but with the immediate imperative to generate foreign exchange to repay loans.²⁰

In the 1980s the World Bank and the IMF began to co-ordinate their strategies in Africa around the theme of structural adjustment. Early stages of an SAP typically involved efforts to get government spending in line with revenues, devaluation of over-valued exchange rates (which implicitly tax exports and favour imports and create opportunities for corruption), removal of import quotas and other constraints to trade, and reduction of taxes on agriculture. Later stages might include private-sector development, export promotion, selling state-owned enterprises, reductions in the size of the civil service, financial-sector liberalization and rehabilitation, and reallocation of government spending toward basic health, education and infrastructure.²¹ While these measures may have been needed to reduce inefficiencies in a given economy, they were justified as creating conditions for sustained economic growth. In the 1980s the Bank and the Fund expressed ringing confidence that once government controls and interference were removed and a free market environment established, the private sector would generate economic growth as a matter of course.²² To some extent this was based on misreading the causes for the rapid economic growth taking place in East Asia,²³ but it also reflected political and organizational imperatives facing the Bank and the Fund.

The Bank and the Fund cultivate images as the world's leading institutions in their respective areas in terms of technical knowledge and expertise, and as sources of advice and guidance. Nevertheless, the conditions they impose on individual borrowers tend to fit standard templates, templates that change with the Bank's and the Fund's changing approaches. Borrowers less politically important to the countries that largely control the Bank and the Fund, the USA and the leading European countries, and borrowers with relatively small economies, such as most borrowers in Africa, are particularly likely to be subject to whatever conditions are currently in vogue, with less effort to customize programmes to the countries' specific economic and political realities. IMF missions to Africa were often more rigid than others, 'interacting with local officials on the details of programs that had already been broadly constructed in Washington'.²⁴ World Bank staff in the 1980s worked on the premise that all over Africa government employees were overpaid and over-employed, and, due to governments' urban bias, that poverty rates were higher in rural than in urban areas. Evidence later revealed, however, that 'in Anglophone African countries over the 1970s and 1980s civil service salaries had in fact collapsed by more than 80 percent of their real value'.²⁵ In Sierra Leone the Bank demanded that the government eliminate rice subsidies based on false assumptions that: poverty was largely a rural phenomenon; the rural poor were net sellers of agricultural products; and public-sector employees were relatively well remunerated.²⁶ Government cutbacks contributed to frustrations among urban youth who eventually pushed the country into nearly a decade of civil war.

Unfortunately, IMF programmes to liberalize exchange rates and financial markets seldom created conditions for sustained economic growth. Bank lending did shift from the public to the private sector, but spreads between lending and deposit rates soared and saving and investment rates stagnated. Loans were mostly of short-term maturity to finance trade, while long-term finance for agriculture and industry was not available. Meanwhile the majority, with small farms or enterprises, had no access to formal sector credit. Despite exchange rate liberalization and major devaluations (except in Mauritius), neither traditional nor non-traditional exports

increased significantly, and most African countries' balance of payments positions remained unsustainable.²⁷

Structural adjustments programmes in Africa

During the 1990s, the Bank and the Fund continued to promote structural adjustment across Africa, per capita incomes continued to fall, and national debts continued to increase. Given their lack of confidence in governments, many donor agencies had started to channel significant parts of their budgets through non-governmental organizations (NGOs), and NGO offices began to proliferate in Africa's capital cities. Also, given greater development accomplishments in Asia and Latin America, many donor agencies (including the Bank and the Fund), came to concentrate relatively more on Africa, particularly with their instruments that included larger grant components. Structural adjustment continued to repress government budgets, and new economic opportunities in agriculture and industry were few. In this context, for the growing educated classes, the brightest opportunities were often found in the aid community and associated support services.

For government ministries the key to gaining access to resources was to get projects from donor agencies. Projects would typically come with vehicles, foreign study tours, sometimes new staff housing, and budgetary resources critical to basic operations, such as fuel to allow extension agents to reach their clients. A civil servant sent on a one-week donor-sponsored conference could often receive 'per diems'—funds to cover expenses such as food and lodging, greater than two or three months' salary. Projects funded by donor agencies usually needed government involvement to be viable, and donors would often require the ministry to cover a portion of the budget in so-called counterpart funds. It was not uncommon for total foreign-funded projects in a given sector, such as agriculture or health, to have budgets exceeding the respective ministry's budget several times over. Ministries could bargain for budget perks, and commitments for counterpart funds often went unmet.

Steve Berkman worked for the World Bank from 1983 to 1995, mainly in its Africa Region offices, and from 1998 to 2002 he helped to establish the Bank's new Investigation Unit to deal with allegations of corruption. In 2008 he published an exposé, accusing African civil servants of routinely and systematically plundering donor-funded projects, and the Bank of turning a blind eye to this corruption. Berkman estimates losses to corruption world-wide at between 15% and 40% of the Bank's total disbursements, depending on the government.²⁸ He documents the budgeting and accounting tricks that civil servants used to misappropriate resources and the Bank's failure to exercise due diligence in project supervision or to prosecute offenders when instances of fraud were brought to light.

This author's own PhD dissertation, completed in 1996, was an organizational analysis of the World Bank, USAID and CARE International based on 12 projects in Africa, four from each agency, focusing particularly on their use of information about project results. The methodology used in the dissertation would not have uncovered most of the forms of corruption cited by Berkman, but one of the projects analysed, a USAID project supporting agricultural co-operatives, had suffered egregious and widespread corruption and failed utterly. Although USAID had received reports documenting some of the corruption, this author did not find any evidence of legal action, project leaders remained in positions of authority, and the final evaluation concluded that the project was largely successful.²⁹

More worrying than the failure to address corruption in a single project, however, was inconsistent monitoring and positive bias in evaluation more or less across the board. Two of the World Bank projects had reports stating overall results. Not only were claims about impacts

for these two projects strongly positively biased, but they also could not withstand even casual methodological scrutiny. The other two World Bank projects were failing to collect information that would support coherent overall impact analysis.³⁰ Monitoring information and evaluations could not differentiate between successful and failing projects within any of the three agencies, particularly in terms of their effects on poverty (the focus of my research). These findings indicate that the World Bank, and other development agencies in Africa, did not possess the basic information to marshal their resources cost effectively. This left projects vulnerable to superficial management by the Bank and to misuse by civil servants and expatriate contractors.

By the late 1990s many African countries had debts so greatly exceeding their exports that there was little chance they could ever be repaid.³¹ International NGOs accused the World Bank and the IMF of mismanaging African development with the SAPs, and they and the governments of the UK, the Netherlands and the Nordic countries pressured the Bank and the Fund to forgive some of the debt owed by the poorest, most heavily indebted countries.³² Although many officials within the Bank and the Fund argued that structural adjustment conditionality needed to be applied more rigorously, there was widespread acceptance that SAPs were failing to re-start economic growth in Africa. Absolute poverty was becoming more widespread, and in 1999 the IMF acknowledged ‘increasing evidence that entrenched poverty and severe inequality in economic opportunities and asset endowments can themselves be impediments to growth’.³³

Poverty Reduction Strategy Papers

In response to these trends, in 1999 the Bank and the Fund refashioned SAPs into PRSPs (for heavily indebted poor countries). In order to qualify for debt relief, countries still needed to meet targets in terms of reduced inflation, fiscal balance, foreign exchange holdings and privatizing reforms.³⁴ In addition, they needed to prepare and implement a PRSP, the vehicle for a new policy approach.

In order to reduce confusion from multiple and conflicting donor strategies, governments were supposed to involve their donor communities in preparing PRSPs, and PRSPs were expected to involve general budgetary support from donors as well as direct project funding. Governments were also to involve NGOs in PRSP preparation, based partly on the idea that NGOs would represent the interests of the poor. Some funds released by debt relief were to be used to increase health and education budgets. The aim was also to increase agricultural spending, but agriculture received little emphasis in the early years of PRSPs. The overarching aim was for PRSPs to be driven by governments and national stakeholders, hence to increase country ownership, and for strategies to specify targets and indicators in order to achieve an orientation to results.³⁵

The rhetoric on national ownership of PRSPs conflicted, however, with ongoing conditionality and with the Bank’s and the Fund’s design and management of the PRSP process. In fact, debt relief was slow in coming, as many countries failed to fulfil required conditions.³⁶ The IMF was responsible for ensuring that poverty reduction strategies remained consistent with macro-economic stability, but its conservative forecasts of the availability of aid led to lower than necessary spending limits. The Fund’s Washington personnel claimed that the Fund was mobilizing increased aid for Africa from the donor community through PRSPs, but these claims were not supported by evidence from the field. The Fund successfully advocated for greater health and education spending, but other than that its promotion of pro-poor and pro-growth spending was more rhetorical than real.³⁷ The focus on ‘poverty reduction’ and ‘national

ownership' seems to have served the needs of the Bank and the Fund at least as much as it served the needs of poor people in Africa.

From 2003 to 2012 Africa's economies grew by about 3% on a per capita basis, the continent's fastest economic growth in recorded history.³⁸ This was supported by macro-economic stability and ongoing aid, but it was also due to higher prices for Africa's commodity exports, foreign investment in African commodities, and a new generation of Africans more highly educated and better integrated in the world community. Also, the benefits of growth went disproportionately to elites while the number of people who were poor and/or unemployed increased.

Uganda was one of the first countries to secure debt relief through the PRSP process. It successfully involved many from the donor community, civil society (NGOs) and local government in drafting its PRSPs, but these papers became lengthy statements of development aspirations, with no clear prioritization or implementation plans. The PRSPs then went to a Secretariat at the Ministry of Finance, Planning and Economic Development, which negotiated a policy matrix with the World Bank to secure a Poverty Reduction Support Credit, and this policy matrix came to be seen by most stakeholders as the operational plan for the PRSP. This process led the government to adopt free and universal primary education and to abolish cost-sharing in Uganda's health service, but support for agriculture remained weak. For example, significant funding was only allocated to two out of seven components of Uganda's main rural development strategy, the Plan for the Modernization of Agriculture.³⁹

From 1960 to 2000 Africa's population grew by 2.7% a year while its agricultural output grew by 2.5%,⁴⁰ and since 1990 Africa's cereal imports have been growing by 3.6% a year.⁴¹ Most Africans continue to live in rural areas with livelihoods dependent on agriculture. There is simply no plausible way for most African economies and for majorities of their poor citizens to escape from poverty without significant productivity gains in agriculture.⁴² The World Bank's evaluation unit finds, however, that:

[Africa's] agricultural sector has been neglected by both governments and the donor community, including the World Bank ... The Bank's limited—and, until recently, declining—support for addressing the constraints on agriculture has not been used strategically to meet the diverse needs of a sector that requires coordinated intervention across a range of activities.⁴³

While significant strides in agriculture are needed to address the immediate needs of Africa's poor majorities, long-term economic growth depends on industry (or, more broadly, on economic activities with greater technological content). As Adelman and Morris write, 'a process of import-substituting industrialization is required to permit the initiation of industrial development ... No contemporary developing country other than Hong Kong has been able to start industrialization without an initial period of infant-industry protection ...'⁴⁴ Unfortunately, the Bank and the Fund have done little to build Africa's capacities in these two critical areas.

Conclusion

Africa's economic future depends on agriculture and industry, but African governments would be well advised not to depend on the Bank or the Fund for strategies in these areas. There may have been a day when the Bank was one of the best sources for technical support in agriculture and industry, but any such day is long past. From a technical standpoint there are many opportunities, but governments need to develop their own strategies and bureaucratic

capabilities to exploit them. The best approach to the IMF is avoidance: try not to fall into debt crises, and when crises nevertheless occur, try to keep IMF programmes brief. The Bank can be a helpful source of project finance, but governments should take the lead in building programmes that serve their people's long-term interests. Governments may need to overcome opposition from the Bank and the Fund to supportive and protectionist measures for launching new industries (or other high-tech ventures). In any case, the central requirements are strategic vision and bureaucratic capacity. Without these, Africa will continue to be swept along in the shifting currents of external interests and agendas.

Notes

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Official development assistance to Africa

George Klay Kieh, Jr

Introduction

Since the inception of the post-Second World War global order, foreign aid has been, and continues to be, a major mode of interaction between wealthy countries and multilateral institutions on the one hand, and poor countries in the ‘global South’ on the other. Particularly, official development assistance—both bilateral and multilateral—has assumed increased importance. This is because official development assistance is portrayed as critical to helping spur the process of social and economic development in poor countries. As Ian Goldin *et al.* argue, official development assistance ‘is increasingly a catalyst for change, and it is helping to create conditions in which poor people are able to raise their incomes and to live longer, healthier, and more productive lives’.¹ However, this summation that official development assistance helps to promote socio-economic development in the recipient countries has been challenged and disputed by various studies, which argue that there is no relationship between aid and development.² In turn, this has led to a major debate in the scholarly literature about the effectiveness of official development assistance. One of the emergent issues revolves around the determinants of the allocation of official development assistance. This is an important issue because it seeks to address the various major intervening factors that shape and condition donors’ allocation of official development assistance. These factors have implications for aid effectiveness.

Against this background, the central purpose of this chapter is twofold. The chapter will examine the flows of bilateral and multilateral official development assistance from selected major donors (USA, UK and France, and the World Bank and the European Union—EU) to the African states that are the top recipients. The related and other purpose is to interrogate the factors that determine the allocation of both bilateral and multilateral official development assistance to Africa. In other words, what are the determinants of official development assistance to Africa? In order to address these twin issues, the chapter is divided into five major parts. In the first section, the conceptualization of official development assistance is provided and discussed. Next, the study historicizes the evolution of both bilateral and multilateral official development assistance to Africa. Third, the chapter interrogates the flow of bilateral and multilateral official development assistance to Africa. Fourth, the study discusses the major factors that determine the allocation of bilateral and multilateral official development assistance to Africa. Finally, the study draws some major conclusions about the flow of official development assistance—the determinants of the allocation of official development assistance nexus.

Conceptualizing development assistance

The Organisation for Economic Co-operation and Development (OECD) conceptualizes official development assistance as:

the flows of official financing administered with the promotion of the economic development and welfare of developing countries as the main objective, and which are concessional in character with a grant element of at least 25 percent (using a fixed rate of discount). By convention, ODA [official development assistance] flows comprise contributions of donor government agencies, at all levels, to developing countries ('bilateral ODA') and to multilateral institutions. ODA receipts comprise disbursement by bilateral donors and multilateral institutions.³

In short, according to the OECD's conceptual framework, ODA is a *noblesse oblige* for the donor states and multilateral institutions.

Clearly, the humanitarian motifs that are the bedrocks of the OECD's conceptualization are highly questionable, because they do not reflect the realities of the *raisons d'être* for official development assistance. Accordingly, this chapter proffers a major modification of the OECD's conceptual framework thus: the section on 'with the promotion of the economic development and welfare of developing countries as the main objective' should be replaced with 'with the confluence of humanitarian and realpolitik purposes as the main objectives'. The modification reflects the chapter's contention that official development assistance is given to Africa for mixed reasons.

The evolution of development assistance to Africa

Since the 1950s, official development assistance to Africa has come from two major sources: bilateral and multilateral. The former consists of aid from wealthy states like the USA; the latter comes from the EU (including its predecessors), the World Bank, various programmes of the United Nations (UN), including the UN Development Programme, and the African Development Bank, among others. In this section of the chapter, the focus will be on the historical development of these two major genres of official development assistance to the African continent.

Bilateral official development assistance

The various bilateral official development assistance programmes have divergent trajectories in terms of their historical development. In the case of the Soviet Union, its official development assistance programme to Africa began in earnest following the collapse of the Belgian, British and French colonial empires in Africa in the 1960s.⁴ The programme was quite expansive in scope, as the Union of Soviet Socialist Republics (USSR), within the context of the Cold War and its attendant competition with the USA for global hegemony, sought to use its development assistance as a magnet for attracting the newly independent African states. However, by the late 1960s, Soviet development assistance to Africa began to decline.⁵ Two major currents accounted for this. The leaders in the Kremlin made the pragmatic calculation that the USSR could not entice all African states into its camp; hence, the focus shifted to selected African states like Angola and Ethiopia under the Haile Mariam regime that were more closely aligned with Moscow. This pattern continued until the disintegration and subsequent collapse of the

USSR in 1991. The other reason was increased competition from the USA and its Western allies in aid giving.

As for the USA, its development assistance programme to Africa began in 1961, as the process of decolonization and the attendant collapse of European colonialism swept across the African continent like an epidemic. The US government framed its official development assistance programme to Africa in terms of a *noblesse oblige*. In articulating this position, the US Agency for International Development (USAID), the agency that manages the US, aid programme, postulates that:

... our moral obligations as a wise leader and a good neighbor in the inter-dependent community of free nations—our economic obligations as the wealthiest people in a world of largely poor people, as a nation no longer dependent upon the loans from abroad that once helped us develop our economy—and our political obligations as the single largest counter to the adversaries of freedom.⁶

This pious declaration is symptomatic of American hubris, which is pivoted on the notions of exceptionalism and messianism. The reality, however, is that US development assistance to Africa is not driven by the former's commitment to the socio-economic and political development of the latter. Instead, as the repository of evidence shows, US official development assistance to the continent is ostensibly designed to promote the interests of the American ruling class, with the American state serving as the instrument. Operationally, like the USSR initially, the US, official development assistance programme to Africa was quite expansive, as Washington sought to recruit the newly independent African states to join the American bloc as client states. However, by the 1970s, the focus of American ODA shifted to its client states like Liberia and Zaire (now the Democratic Republic of the Congo—DRC). Since then, the thrust of US ODA has remained in the direction of African client states like Egypt, Ethiopia (under the Meles Zenawi regime), Kenya, Rwanda and Uganda, which are serving the US' economic, political and strategic interests. In short, the *causa moven* of US ODA is not to help improve the material conditions of Africans, but rather to serve US interests.

In the case of Britain, its development assistance programme to Africa began in 1964, with the creation of the Ministry of Overseas Development as the institutional mechanism for managing British aid globally. Like the USA, Britain claims that the locus of its official development assistance programme to Africa is on the 'economic development' of the continent.⁷ To the contrary, like all imperialist powers, the central reason for British ODA to Africa is to continue the process of exploitation, pillage and plunder that British colonialism visited on the continent. In other words, British ODA is a palliative for dragooning its former colonies into continual servitude designed to serve the interests of the British bourgeoisie.

Like its imperialist kin, French ODA to Africa, which commenced in 1960, is intended to serve the interests of the French ruling class. This is done in two major ways: the cultivation of neo-colonial ties with the regimes in its former African colonies, so that these governments can continue to serve the interests of the French ruling class; and to foster similar neo-colonial ties with other African countries that were not French colonies for the same purpose of serving the interests of the French bourgeois class. In both cases, ODA is a *quid pro quo* for serving French imperialism.

As for the People's Republic of China, its official development assistance programme to Africa has gone through two major cycles. The first cycle (1950–80), which was powered by Maoist ideological orientation, focused on using Chinese development aid as an instrument for countering Soviet inroads in Africa.⁸ In other words, this was part of the broader Sino–Soviet

rivalry for leadership of the 'global socialist revolution'. As well, Chinese aid to Africa was intended to counter both the USA and the USSR by portraying China as the alternative that was interested in the well-being of Africans. However, given its ideological underpinnings, the Chinese aid programme, in spite of its broad scope, focused on a few African states like Tanzania that were considered more amenable to Chinese interests. The second cycle (1980–present), which is based on pragmatism, eschews the imposition of ideological, political and other conditionalities. Instead, it has witnessed the pursuance of an 'open door policy' by China toward Africa that is based on giving development assistance in exchange for serving Chinese economic and political interests. As Drew Thompson notes, 'China's increased presence in Africa is part of a wider effort to create a paradigm of globalization that favors China.'⁹ In other words, China is desirous of developing a 'sphere of influence', as it strives to become a global power.¹⁰ The major resultant goals are to have access to Africa's oil and minerals to help feed the Chinese industrial and manufacturing multiplex, as well as isolate Taiwan by ensuring that African states develop and maintain a 'one China policy'.¹¹

Multilateral official development assistance

Multilateral official development assistance to Africa has its roots in the determination made in the 1960s by the major state actors in the global political economy to create what the International Development Association (IDA) refers to as an 'international development framework' or 'consortia of donors'.¹² The rationale was that the multilateral approach would overcome the co-ordination and other problems of a multitude of individual aid programmes.¹³ Thus, the multilateral variant of official development assistance represents what I call the 'pooled approach to official development assistance'. This approach provides states with the opportunity to supplement their individual official development assistance programmes.

In this vein, several multilateral institutions were established to manage official development assistance. One of the major institutions was the International Bank for Reconstruction and Development (IBRD) or the World Bank Group. In turn, the World Bank created the IDA as its aid agency in 1956, for the purpose of managing multilateral development assistance to poor countries. In the specific case of Africa, the IDA began providing ODA to the continent following the dawn of the post-independence era in the early 1960s. As a multilateral institution that is dominated by the major economic powers, the World Bank's official development assistance programme has therefore tended to reflect the interests of the US and its European allies. During the Cold War, for example, the bank was an integral part of the West's battery of policy tools that were ostensibly designed to 'contain' the USSR and its allies. In addition, operating under the capitalist ideological panoply, the bank also sought to help consolidate the suzerainty of the world capitalist system. Even in the post-Cold War era, the basic foundation of the bank's development assistance programme to Africa has remained intact—ensuring that the umbilical cords of African states remain tied to the world capitalist system. In addition, the bank continues to serve the interests of the US and its European allies, amid China's meteoric rise as a global power, especially Beijing's proffering of its state capitalist development model as an alternative to private-dominated capitalism.

In the case of the European communities, the predecessors to the EU, they began their official development assistance programmes in Africa in 1957, following the signing of the Treaty of Rome, which established the legal framework for European regional integration. Subsequently, under the Yaoundé and Lomé Conventions, the then European Economic Community (EEC) made official development assistance to Africa a central pillar of Europe–Africa relations.¹⁴ Since 2003, the EU's official development assistance programme to Africa has

been conducted under the Cotonou Partnership Agreement, the new framework for conducting relations between the EU on the one hand, and African, Caribbean and Pacific states on the other hand.¹⁵ Like the World Bank, the EU's official development assistance programme to Africa reflects the shared interests of its member states.

The flows of development assistance to Africa

Bilateral official development assistance

In 2007–09, the bulk of the bilateral official development assistance to Africa from the major donors flowed to selected countries. For example, as Table 26.1 shows, Sudan, Ethiopia, Kenya, South Africa, Egypt and Uganda were the top recipients of US ODA. Clearly, as Table 26.6 will show, these countries are not among the neediest on the African continent. So this then shows that the flows of US ODA to these countries were not conditioned by the fact that their peoples had the greatest social and economic needs on the continent. For example, based on the 2010 Human Development Index, South Africa is one of the few African countries with citizens who are comparatively well off in terms of their well-being.¹⁶ Therefore, US ODA to South Africa is designed to promote the former's economic interests in the latter. For example, various American multinational corporations have investments in South Africa, and have reaped billions of dollars from the country in profits, dating back to the 'apartheid era'.

Another interesting dimension of US ODA is that contrary to the USA's 'democracy promotion rhetoric', Sudan, Egypt, Ethiopia and Uganda, four of the top recipients, have authoritarian regimes that have committed vitriolic human rights violations.¹⁷ In addition, in 1985, Yoweri Museveni, the President of Uganda, in violation of democratic tenets, changed the constitution of the country so that he could run for unlimited terms.¹⁸ Yet, Uganda continues to be among the top recipients of US ODA.

Over the three-year period 2007–09, the UK, characteristically, gave most of its ODA to Africa to its former colonies (see Table 26.2). However, there were three exceptions: Ethiopia, the Democratic Republic of the Congo (DRC) and Mozambique. In the case of Ethiopia, despite its authoritarian regime, it is vital to Western security interests in the Horn of Africa, especially in the age of terrorism. Hence, British ODA, like that of the US, was designed to reward the repressive regime in Ethiopia for its services.

In the case of France, the top eight recipients of its ODA were its former colonies (see Table 26.3). This was consistent with France's policy of maintaining a neo-colonial stranglehold over its former colonies. That is, ODA is one of the instruments that Paris uses to keep the umbilical

Table 26.1 The top recipients of American ODA to Africa, 2007–09 (US\$ million)

<i>Country</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Sudan	710.4	848.0	955.0
Ethiopia	371.7	811.0	726.0
Kenya	325.2	455.0	590.0
South Africa	227.1	387.0	524.0
Egypt	462.4	415.0	185.1
Uganda	301.6	352.9	366.9

Source: (Compiled from US Official Development Database, www.usoda.eads.usaidallnet.gov)

Table 26.2 The top recipients of British ODA to Africa, 2007–09 (US\$ million)

Country	2007	2008	2009
Ethiopia	291.1	253.7	342.9
Nigeria	285.9	47.2	188.9
Tanzania	230.7	254.2	216.6
Sudan	206.2	199.2	292.4
Uganda	166.1	65.7	117.4
DRC	120.7	192.9	225.5
Mozambique	115.7	197.8	54.9
Ghana	152.0	150.8	153.9

Source: (Compiled from US Official Development Database, www.usoda.eads.usaidallnet.gov)

Table 26.3 The top recipients of French ODA to Africa, 2007–09 (US\$ million)

Country	2007	2008	2009
Cameroon	596.2	113.2	90.6
Morocco	406.9	163.2	238.1
Mali	218.8	81.9	74.7
Algeria	214.0	121.8	94.5
Congo	18.5	367.9	93.2
Côte d'Ivoire	50.7	39.5	1,200.6
Tunisia	127.9	160.5	238.1
Senegal	185.2	189.3	140.9

Source: (Compiled from US Official Development Database, www.usoda.eads.usaidallnet.gov)

cords of its former colonies tied to the French metropole. This enables France to use its former colonies as conduits for pursuing its economic, political and strategic interests in Africa.¹⁹

As for Chinese ODA, the lack of data makes it difficult to analyse the flows to various African countries. However, China's ODA has been given particularly to African states such as Liberia, Nigeria and Zambia that have minerals and oil. This is because one of the major reasons for China's ODA is to gain access to natural resources, against the backdrop of the former's burgeoning domestic needs as part of the boom of industrialization. Also, China's ODA to Africa serves as an instrument for giving Beijing access to the markets of African states for the sale of Chinese-made products and services, and Chinese companies' investment opportunities. As Martyn Davies *et al.* assert, 'The Chinese government uses development assistance as part of a package of tools to support Chinese companies in expanding export markets and business scope in Africa.'²⁰

Multilateral official development assistance

As Table 26.4 shows, the bulk of the ODA from the International Development Association of the World Bank went to Ethiopia. This pattern was similar to those of the US and the UK. Ethiopia's pivotal role as the West's gendarme for policing the Horn of Africa earned it preferential treatment even in the disbursement of ODA from the International Development Association of the World Bank.²¹ This is because the US is the dominant power in the World Bank. Moreover, since the World Bank is a handmaid for the pursuance of US-cum-Western interests, it tends to privilege neo-colonial African states that are subservient to US and Western interests.²²

Table 26.4 The top recipients of ODA from the International Development Association of the World Bank, 2007–09 (US\$ million)

<i>Country</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Tanzania	505.7	421.1	626.9
Liberia	407.1	4.6	42.5
Uganda	374.1	180.4	395.1
Ethiopia	323.9	546.2	1,037.5
Nigeria	315.4	333.0	475.6
Mozambique	251.7	279.7	212.9
DRC	222.8	291.5	390.3
Côte d'Ivoire	–	235.3	149.5
Ghana	239.7	272.8	247.0

Source: (Compiled from US Official Development Database, www.usoda.eads.usaidallnet.gov)

The roster of the top recipients of ODA from the EU reflects the influence of France and the UK, and overall Western interests in the organization. In the case of France, three of its neo-colonies—Cameroon, Côte d'Ivoire and the DRC—were among the top recipients of EU ODA to Africa in 2007–09. Similarly, Nigeria, Tanzania and Sudan were the top three recipients of EU ODA among the former British colonies and quasi-neo-colonies on the African continent. The inclusion of Ethiopia and Mozambique among the top recipients of the EU's ODA to Africa reflected the importance of these two countries to broader Western economic and strategic interests.

The determinants of development assistance to Africa

Several major factors determine the allocation of both bilateral and multilateral official development assistance to Africa. In order to interrogate these factors, several major markers need to be established. First, there are major differences between and among the various donors. In the case of bilateral ODA, the differences include factors such as the status of the donor in the 'global division of power'. Second and related, the donors' resulting economic, political and strategic interests. Third, the nature and dynamics of the relationship between the donors and the recipients. In the case of multilateral ODA, distinctions need to be drawn between and among those organizations which by their nature are designed to pursue the interests of their dominant members on the one hand (e.g. the World Bank), and those that have flexibility and latitude in designing their ODA programmes (e.g. the UN and African Development Bank).

Table 26.5 The top recipients of ODA from the EU, 2007–09 (US\$ million)

<i>Country</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Cameroon	1,602.2	250.9	217.1
Nigeria	1,092.7	210.4	276.1
Tanzania	742.3	844.6	755.5
Mozambique	727.3	889.0	853.7
Ethiopia	704.8	777.1	786.5
Sudan	677.4	634.5	621.2
Côte d'Ivoire	57.7	81.7	1,432.7
DRC	565.2	666.5	702.4

Source: (Compiled from US Official Development Database, www.usoda.eads.usaidallnet.gov)

Ultimately, these markers provide the policy crucible that shapes and conditions the determinants of both bilateral and multilateral official ODA. In other words the *raison d'être* for the giving of ODA are anchored on the donors' interests as modulated by the power calculus in the world capitalist system (especially for bilateral ODA), and the nature of the multilateral institution (for multilateral ODA).

Bilateral official development assistance

Bilateral ODA is given for several reasons. For countries like Norway and Sweden that are not major global powers, and thus not interested in the establishment and maintenance of neo-colonies in Africa, humanitarianism is the principal determinant of their ODA to Africa. These countries are primarily interested in helping recipient African states to improve the material conditions of their people, including the provision of education and health care, and the overall combating of poverty. Furthermore, these countries' humanitarian thrust is reflective of their domestic efforts to improve the well-being of their citizens. However, for countries like the US and China which have hegemonic ambitions, humanitarianism is a veneer that is designed to conceal the venal underbelly of their imperial projects in Africa, including the plundering and pillaging of Africa's vast natural resources, for their economic and strategic purposes. As Alessia Isopi and George Mavrotas aptly observe, 'Development concerns such as the reduction of poverty receive zero weight in the process of determining official development assistance.'²³ Similarly, as Lael Brainard notes, in the specific case of US ODA, 'In order to secure aid funding, it is clearly more effective to present ODA to the US Congress as a "strategic defense system" than as a mechanism for poverty alleviation in far-off countries.'²⁴ As the repository of evidence shows, the most needy African states (see Table 26.6) were not the top recipients of bilateral official ODA (see Tables 26.1, 26.2 and 26.3). In other words, if ODA was given to Africa for humanitarian reasons, then the neediest African states should have received the bulk of the ODA.

Similarly, the promotion of democracy in Africa is a determinant in the ODA policies of countries like Norway and Sweden, which are interested in the establishment of democratic governance and its pantheon of the promotion of human security. In contradistinction, the US, France and the UK are not committed to the promotion of democracy in Africa, as evidenced by their support for some of the most repressive regimes on the African continent since the post-independence era. For example, the US supported Mobutu SeseSeko (Zaire, now the DRC), Daniel arap Moi (Kenya), Siad Barre (Somalia), and Samuel Doe (Liberia) during the Cold War. Now the USA supports Meles Zenawi (Ethiopia), Paul Kagame (Rwanda) and Yoweri Museveni (Uganda). Similarly, France supported Félix Houphouët-Boigny (Côte d'Ivoire), and

Table 26.6 The African states with the lowest Human Development Indexes (HDIs)

<i>Country</i>	<i>2007</i>	<i>2009</i>
Liberia	0.427	0.294
Burkina Faso	0.389	0.303
Mali	0.371	0.305
Central African Republic	0.369	0.311
Sierra Leone	0.365	0.313
Guinea	0.435	0.338
Niger	0.340	0.258
Zimbabwe	–	0.118

Source: (Compiled from the UNDP, *Human Development Reports*, New York: Oxford University Press, 2008–10)

Juvénal Habyarimana (Rwanda), among others. The UK also supported Idi Amin in Uganda, before falling out with him.

The pivots for determining bilateral ODA are the interests of the ruling classes in the donor states, as reflected in their dominant states. That is, bilateral ODA to Africa is intended to promote the economic, political and strategic interests of the bourgeois classes in the metropolis and their dominant states. In order to accomplish this, the dominant states like the US, France and the UK establish patron-client relationships with various African compradorial regimes that serve as the instruments for promoting and facilitating the interests of the metropolitan ruling classes and their dominant states. In this vein, bilateral ODA serves as both bribery and compensation to the pliant regimes for services already rendered, as well as future services—what Tim Murithi poignantly calls ‘aid colonization—the premeditated utilization of aid to manipulate, control and coerce the recipient into fulfilling the donor’s agenda’.²⁵

In terms of the donor’s economic interests, for example, they include the need for markets to sell their goods and services, and investment havens where their multinational corporations can reap huge profits. In the case of the former, donors like the US, France and the UK need markets in Africa where they can sell their various manufactured goods. In turn, the accrual of export earnings is pivotal to the maintenance of the high standard of living of their respective citizens. In the case of metropolitan multinational corporations, pliant regimes in Africa enable them to pillage, plunder and exploit the natural resources and labour of their respective countries, and to repatriate their profits back to the metropole.²⁶

Politically, the recipient African states support the interests of the donors in various ways. The recipient African states support the policy preferences of the donor states in global organizations like the UN. For example, the recipient African states would cast their votes in the UN General Assembly consistent with the wishes of the donors. Another way is that the recipient African states serve as ‘foot soldiers’ for the donor states in the African Union and the various sub-regional organizations. The thrust is to help ensure that the AU and these sub-regional organizations are formulating and implementing policies that are preferred by the donor states.

In the strategic arena, the recipient African states perform various roles on behalf of the donor states. Various recipient states provide military bases, access to airports and seaports. For example, the US has access to airfields in recipient countries like Ethiopia, Kenya and Uganda that it can use to help facilitate its various military operations around the world. Also, various recipients like Ethiopia are playing pivotal roles in the US’ and the West’s ‘global war on terrorism’.

Multilateral official development assistance

Official multilateral ODA from the World Bank and the EU is shaped by the interests of the dominant members of these organizations. In other words, the interests of the dominant members play pivotal roles in the designation of the recipients and the amount of ODA they receive. For example, in the case of the World Bank, African states that are pivotal to the economic, political and strategic interests of the US, and which are subservient to these US objectives, are much more likely to receive development assistance or better lending conditions and much less likely to be punished for non-conforming policies.²⁷

In addition, the ODA programmes of the World Bank and the EU to Africa are shaped by the collective interests of the dominant states in the two organizations to maintain the hegemony of the world capitalist system. This includes the ‘international division of labour’ under which African states are assigned the role of producing raw materials, as well as the unjust and exploitative ‘system of unequal exchange’ that short-changes African states in pricing their products.

Conclusion

The flows of bilateral and multilateral development assistance are not concentrated in the direction of those African states that have the greatest development needs. Instead, the patterns of allocation reflect the importance of the top African recipients to the promotion of the interests of the donors and their multilateral institutions. For example, Ethiopia was the top overall recipient of both bilateral and multilateral ODA in Africa. This was not because Ethiopia is the neediest African state, but instead it reflected Ethiopia's growing strategic importance to the US and its Western allies.

Similarly, the bilateral and multilateral official development assistance programmes to Africa from the US and their other dominant states and multilateral organizations like the World Bank and the EU are shaped and conditioned by the economic, political and strategic interests of these donors. Specifically, these interests include the need for support in the UN; the search for markets for the donors' goods and services; investment 'havens' for their multinational corporations; and the US' and its allies' 'war on terrorism'.

Notes

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- 2 For a sample of the studies that argue that there is no relationship between official development assistance and socio-economic development in the recipient countries, see R. Rajan and A. Subramanian, 'Does Aid Affect Governance?' *AEA Papers and Proceedings* 97:2 (2007): 322–27; and R. Rajan and A. Subramanian, 'Aid and Growth: What Does the Cross-Country Evidence Really Show?', *The Review of Economics and Statistics* 90:4 (2008): 643–65.
- 3 Organisation of Economic Co-operation and Development, *Statistical Terms*, Paris: OECD, 2007, 546.
- 4 See Colin Lawson, 'Soviet Economic Aid to Africa', *African Affairs* 87:349 (1988): 501.
- 5 See Marshall Goldman, *Soviet Foreign Aid*, New York: Praeger, 1967.
- 6 US Agency for International Development, *USAID's History*, Washington, DC: USAID, 2010, 1.
- 7 See Francois Pacquement, *How Development Assistance From France and the United Kingdom has Evolved: Fifty Years on from Decolonization*, International Development Policy Series #1-2010, Geneva: Graduate Institute of International; and Development Studies, 2010, 2.
- 8 See William G. Thom, 'Trends in Soviet Support for African Liberation', *Air University Review* (July–August 1974): 3.
- 9 Drew Thompson, 'Economic Growth and Soft Power: China's Africa Strategy', in Arthur Waldron (ed.) *China in Africa*, Washington, DC: Jamestown Foundation, 2011, 142.
- 10 See George Klay Kieh, Jr and Edward Lama Wonkeryor, 'China's Development Aid to Africa', *International Studies Journal* 27:1 (2011): 142.
- 11 *Ibid.*
- 12 International Development Association (IDA), *Aid Architecture: An Overview of the Main Trends in Official Development Assistance Flows*, Washington, DC: IDA, 2007, 29.
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- 14 See Selma Roth, *Political Conditionality in European Union Development Assistance*, MA thesis, Institut European des Hautes Etudes Internationales, 2009, 15–38.
- 15 *Ibid.*, 45.
- 16 See UN Development Programme, *Human Development Report, 2010*, New York: Oxford University Press, 2011.
- 17 For comprehensive reports on the sordid human rights records of these countries, see Human Rights Watch, *World Report*, New York: Human Rights Watch, 1990–2010.
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- 22 See Asad Ismi, *Impoverishing a Continent: The World Bank and the IMF in Africa*, Policy Paper, Halifax, Canada: Halifax Initiative Coalition, 2004.
- 23 Alessia Isopi and George Mavrotas, *Aid Allocation and Aid Effectiveness: An Empirical Analysis*, UNU-WIDER Research Paper No. 2006/07, Helsinki: United Nations University's World Institute for Development Economic Research, 2006, 114.
- 24 Lael Brainard cited in Gilles Carbonnier, *Official Development Assistance Once More Under Fire From Critics*, International Development Policy Series #1-2010, Geneva: The Graduate Institute, 2010, 140.
- 25 T. Muriithi, 'Aid Colonization and the Promise of African Continental Integration', in Hakima Abbas and Yves Niyiragira (eds) *Aid to Africa: Redeemer or Colonizer?*, Oxford: Pambazuka Press, 2009, 3.
- 26 See Teresa Hayter, *Aid as Imperialism*, Harmondsworth: Penguin Books, 1971.
- 27 See Christina Schneider and Jennifer Tobin, *Interest Coalitions and Multilateral Aid: Is the EU Bad for Africa?*, Working Paper, 2010, 3.

Africa and transnational organized crime

Financing insecurity and narco-terrorism

Kwesi Aning

Introduction

Transnational organized criminal groups are considered a major threat to human security. Their activities impede social, economic, cultural and democratic developments globally, with disproportionate effects on developing and fragile states. Yet, while the threats and challenges posed by organized crime in Africa in general and West Africa in particular are enormous because of the high presence of fragile states which serve as potential breeding grounds for such activities, there is limited concerted effort in tackling this menace. In Africa, organized criminal activities take the form of, among other things, drugs-trafficking, advance fee and Internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, illegal manufacture of firearms, trafficking in firearms, armed robbery, and the theft and smuggling of oil.¹ Narcotics continue to have such an extensive and pervasive impact on African states to the extent that the whole continent is now perceived as 'NarcoTrAfrica'.²

This paper's introduction is followed by an examination of the problematique in Africa. Subsequently, it explores the expansion of criminal activities in Africa, and the extent to which new dynamics and emerging interfaces have been brought to bear on such activities. This leads to a discussion of how such activities are 'institutionalized' and the underlying and supporting mechanisms that enable its survival. Because such activities are located within states, the paper examines the state types that emerge. Finally, initiatives undertaken by the Economic Community of West African States (ECOWAS) and the African Union (AU) are examined.

West Africa in context

For West African states, a serious challenge to state survival is the influx of narcotics into the sub-region and their impact on public, private-sector and community institutions, and the money accruing from their activities and the emerging culture of the quick and easy acquisition money. Such incomes have bought drug cartels friends in high places in Africa, and penetration of the highest levels. In this respect narcotics are by far the most attractive quick money spoiler, but drug money co-exists and commingles with licit money from genuine businesses. Such flows have become so pervasive in West Africa that the coastal fringes of this region, which

through the years have shifted from slavery, to pepper transportation to the West is now popularly referred to as the ‘coke coast’.³ The scale of the problem is so massive that the United Nations Office on Drugs and Crime (UNODC) states that:

The crisis of drug trafficking in West Africa is gaining attention ... Alarm bells are ringing about the volume of cocaine transiting the region (roughly 50 tons a year). West Africa ... has become a hub for cocaine trafficking ... worth almost \$2billion a year. This is more than a drugs problem. It is a serious security threat.⁴

Because of the sheer volume of drugs being trafficked from West Africa to Europe and other parts of the world, the sub-region has been carved out by narco-barons into two hubs: Guinea-Bissau servicing a northern hub and Ghana servicing the southern hub. However, this is not just about these two hubs; this is about the challenge that organized transnational groups are posing to West Africa’s fragile states, particularly the threats that they pose potentially to democratic governance processes and institutions. Almost all the maritime states in West Africa are experiencing an increase in actual seizures: Cape Verde,⁵ Ghana,⁶ Sierra Leone,⁷ Guinea-Bissau,⁸ Liberia,⁹ Guinea,¹⁰ Nigeria,¹¹ Togo¹² and Senegal¹³ have emerged as major ports of entry for cocaine.¹⁴

The extent and dynamics of transnational organized crime in Africa

Transnational organized crime (TOC) in Africa takes several forms and includes: drugs-trafficking, advance fee and Internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, illegal manufacture of firearms, trafficking in firearms, armed robbery and theft, money laundering and smuggling of oil. One of them, though, drugs-trafficking in particular, has the potential to destroy democratic structures and processes. For the purposes of this paper, therefore, the empirical analyses will focus on West Africa as a whole, but with references to organized crime in Ghana and Nigeria, discussing the links as well as the impact of organized crime on public-sector institutions, structures and processes in West Africa. Furthermore, the focus will also be on two aspects of criminal enterprises, namely narcotics and the emergence of the conflation of criminal and terrorist organization interests.

The efficiency with which transnational crimes are sometimes executed presupposes the involvement of states officials and/or institutions. In the case of West Africa, transnational organized crime may involve criminals within the region colluding with each other and also with others outside the region—the rest of Africa, South America, Europe and Asia. While it may be true that the fragility of states in West Africa and the weakness of state institutions mandated to combat the drug menace has contributed to the upsurge of the TOC in recent times, the complicity, active or passive, of states officials, within the regions and outside, cannot be ruled out.

Another case that suggests the infiltration of drug barons into Ghanaian politics is one involving a member of parliament for the New Patriotic Party (NPP). In this case, the MP Eric Amoateng,¹⁵ together with an accomplice, Nii Okai Adjei, were sentenced on one count charge of conspiracy to transport and distribute heroine, with a street value of over \$6 million, to the USA contrary to Federal Law, at a New York District Court. After initial strong denial from the MP of any wrongdoing, he later admitted being guilty.

The implicit assumption from the above examples is that the drug barons are able to infiltrate into state institutions with which they come into contact. In West Africa, among the state and public-sector institutions in danger from organized criminals are parliament, the judiciary, political parties and the executive arm of government. These institutions are for the building of democratic culture in any country. Almost every case of cocaine seizure in West Africa involves

either barons with high-level connections in government or senior public officials (or their cronies) directly conniving with international traffickers. To understand these frequent levels of West African involvement in the drugs trade, we need to examine the sub-regional political and bureaucratic environment in relation to the motivations it offers to drugs-traffickers. The critical question is how to capture the essential liaisons between organized crime, the state and business. From the empirical examples from West Africa, it is clear that contemporary organized criminal activities and networks impart an image of the close interlinkages that enable criminal networks to carry on their criminal activities, the bureaucrats who administer institutions of state and those who lead legitimate businesses. For example in Ghana, the official government agency mandated to lead the fight against drugs, namely the Narcotics Control Board (NACOB), and security and intelligence agencies, for example National Security and the Bureau of National Investigation (BNI) the domestic intelligence agency, have all been infiltrated by drug moles who have also managed to recruit staff of the agency to provide information and to serve as, 'the main contact of the drug barons'.¹⁶ Furthermore, Ghana's main airport, Kotoka International, '... has become the hub of drug trafficking ... apparently with tacit official cover up, as drug law enforcement agents facilitate safe passage for drug couriers'.¹⁷ A key beneficiary of such activities has been the president and owner of a premier football club.¹⁸ In this case, the courts have decided to remand these officers until further evidence is adduced.¹⁹ All these different actors often connect in multidirectional means, which adds to the complex nature of the relationship.

With the increasing level of drugs-trafficking in West Africa, and the involvement of some politicians, as in the evidence presented above, there is the possibility of drug barons taking over political parties and possibly parliament and the executive arm of government in West Africa. Should this happen, democratic institutions are likely to suffer because their institutional capacity, independence and legitimacy will suffer at the expense of the parochial interest of criminal elements. Since democratic structures and political processes that lack legitimacy, independence and effectiveness drive fragility, the already fragile states of West Africa are in danger of further fragility if they are not protected from organized crime.

How has it come about?

There is a long history to the presence of TOC in West Africa. However, the threats and challenges posed by such organized criminal activities in West Africa have become so pronounced that experts in the field now characterize such groups as representing particular 'African criminal networks' with a distinctive African character, and with members originating 'in the West African countries of Ghana and Nigeria, the networks have expanded their bases of operations beyond West Africa throughout the African continent. Hence, the term African Criminal Networks ...'²⁰

Exploring new dynamics and emerging interfaces

There is an emerging intersection between drugs-trafficking and the expansion and variation in the activities of al-Qa'ida in the Islamic Maghreb (AQIM). While AQIM's *modus operandi* for funding its activities had been kidnappings, particularly of foreigners and protecting the smuggling rackets of Tuaregs in the Sahel, it has changed its operational tactics since 2009. First was the expansion of its spheres of influence and activities increasingly to the more southern states of West Africa, and second an increasing addition of new commodities of value, namely: drugs.²¹ Equally new is the mode of transporting these goods: by air.²²

This section discusses how these new intersections create security dilemmas that compound already weak and fragile states. This development sees terrorist groups, drugs lords and their use

of aviation infrastructure interests converge. This has been characterized as the ‘the most significant development in the criminal exploitation of aircraft since 9/11 [the terrorist attacks of 11 September 2001]’.²³ This concern captures the growing incidences where criminal groups owning aircraft now smuggle drugs into West Africa’s uncharted and disused landing strips, makeshift runways and airports. Ironically, in most of these states there are no active law enforcement presence or air traffic controllers. Most of these comprise twin engine turboprops, executive Gulfstream IIIs and Boeing 727s, with these aircraft bringing what is assessed to be ‘multi-ton loads of cocaine’. To circumvent the limited controls that may be available, these flights have fraudulent pilot certificates, false registration documents and altered tail numbers, some without airworthy certificates and log books. Due to the poor air control facilities in most West African countries, the planes detected in Sierra Leone, Mauritania and Mali were purely by chance. The implication is that the number of aircraft involved in these operations may be considerably higher.

If the involvement of aircraft carrying cocaine into West Africa, an already fragile and unstable region, is disturbing, then the involvement of AQIM operatives criss-crossing the region to purchase drugs heightens the insecurity dilemmas of the region. In Mauritania, Niger, Mali and Ghana, AQIM operatives have been arrested, initially on drugs charges, but eventually with terrorism charges added to them.²⁴ In Ghana, Oumar Issa, Harouna Toure and Idriss Abelrahman were charged with ‘plotting to transport cocaine across Africa with the intent to support al Qaeda, [and] its local affiliate AQIM and [the Revolutionary Armed Forces of Colombia] FARC’. This emerging collaboration between terrorist gangs and narco-traffickers has been described as ‘an unholy alliance between South American narco-terrorists and Islamic extremists’.²⁵ The nexus between narcotics dealers and terrorists is becoming clearer as criminal organizations in several West African states work with affiliates or sympathizers of AQIM to ship drugs to North Africa and onward to Europe. While this certainly demonstrates a disturbing alliance, others believe that such diversification actually ‘... provides [the USA] with more opportunities to incapacitate [terrorists] and cut off the funding for future acts of terror’.²⁶

AQIM’s survival in the Sahel is based partially on the fact that they are subverting the social welfare responsibility of states and increasingly in parts Mali, for example, these groups are ‘... collect[ing] taxes from many rich Malian people throughout the region on al Qaeda’s behalf’.²⁷ While this statement is apt, it needs to be located within a wider political economy framework, which provides explanatory variables and options for asking counterfactual but critical questions about the multiplicity of actors, their interests and the nature of financial networks and fundraising activities that support such activities. Using a political economy approach to understanding the complexities and interdependencies involved in terrorism financing ‘focuses on how the potentially divergent interests of the key actors engaged in the raising, distribution, and spending of funds—and the institutional settings in which decisions about financing are made—might affect outcomes’.²⁸ As argued earlier, the nature of AQIM’s relationship with Tuaregs and how this location within traditional societies provides cover for their activities is little understood. Furthermore, such an approach enables an exploration of the multiple linkages between AQIM, FARC, Tuaregs, government officials and narcotics traders.²⁹ Giraldo and Trinkunas, for example, argue that, ‘... terrorist organizations that depend on societal support have historically faced limits on what activities are acceptable, “new terrorists” organizations such as al Qaeda ... are able to operate free from such constraints’.³⁰ Interesting as this statement is, it certainly does not seem applicable to one of the franchised sections of al-Qa’ida, namely AQIM, which is located within and protected by Tuareg groups in Mali, Mauritania, Niger and parts of Burkina Faso.³¹

In recent times, the level of sophistication with which drugs-traffickers conduct their operations in these clusters can be comparable to that of terrorism.³² Terrorism is potentially the most

dangerous form of insecurity to the oil and gas sector in West Africa.³³ Though the challenges posed by terrorism are widely recognized, West African states have shown little understanding and appreciation of the complexities of formal and unofficial ways in which the world-wide financial system provides opportunities for terrorists to manipulate with ease. In the West African cases under consideration, the increasing spate of insecurity and the intersection of drugs, terrorism and fragile states are due to the incidences of poor governance—democratic, economic—and limited government influence in large tracts of their own territories. Giraldo and Trinkunas argues that there is a ‘... dominance of a “new” financial model in which terrorists rely increasingly upon their illicit and licit enterprises for their funding’.³⁴

Because AQIM is progressively more decentralized, it enables the organization to utilize adaptable networks, which enables this terrorist group, together with Tuareg gangs, to shift from one activity to the other when there are efforts by national and international agencies to thwart them.

What is the extent of institutionalization?

A useful starting point for understanding the survivability and growth of the narcotics trade across West Africa is by examining the networks of social capital that underpin this industry and which foster a sense of community closeness among traffickers and a protective mechanism for the communities within which they are located. The apparent success of this industry in terms of its capacity to grow while concurrently outwitting the law can be explained by a strong sense of social capital that represents the norms of mutual engagement, which ensures reciprocity, although not necessarily institutionalized forms of reciprocal expectations. This sense of social capital and reciprocity is a major reason why this trade has survived and is protected by the communities within which they are located. Basically, the reality of the public discourse on drugs-trafficking in all ECOWAS member states is that while one group sees this as a threat, another sees it as an important part of their means of livelihood and achieving social status. Conceptually the point is how to resolve competing/clashing perceptual agendas.

Figure 27.1 Levels of state polarity on narcotics-democracy index

‘quasi narco-states’ →	‘fragile states’ →	‘narco-states’
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Table 27.1 Impact of criminal networks on selected public institutions in West Africa

<i>Type of TOC</i>	<i>Affected institutions</i>	<i>Effects on institutions</i>
Drugs	Judiciary	Narco-judiciary/corruption
	Police	Corruption
	Parliament	Bogus legislation
	Political parties	Party financing
	Customs, Excise and Preventive Service (CEPS)	Weak border controls
	Commercial banks	Weak compliance and oversight
	Central banks	Weak enforcement of Financial Action Task Force (FATF) and money-laundering rules
	Air traffic control	Limited air traffic control

A second major argument is that because a degree of social capital exists in all the communities where such narcotics-trafficking occurs, entering the 'closed' world of traffickers is not only difficult but can be dangerous to outsiders. In this particular business, there tends to be some amount of mutual trust which in turn promotes co-operation between local communities and societal economic actors in the process of shared knowledge, growth and economic spin-offs. Thus, the levels of co-operation among different stakeholders that have been experienced throughout West Africa, it has been argued, are also aided by the frequency of social capital, which are 'features of social organization such as networks, norms, and trust that facilitate coordination and cooperation'.³⁵

How and why have narcotics-traffickers in Ghana and the ECOWAS sub-region managed to survive successive governmental agencies that have consistently seen them as a threat to state and societal security? Available evidence suggests that social capital plays an important role in the process of supply, sale and profits accruing from the sale of drugs. Stocks of social capital in the form of associational activity, social networks, trust and behavioural norms can be linked to improved output and better performance in terms of growth, investment and productivity at the individual and group enterprise levels.

The role of social capital in the processes of narcotics-trafficking in Ghana and West Africa is impressive. While different definitions of social capital exist, in this paper the term primarily means social relations based on trust and the development of norms and values that support and are supported by such social relations. Thus, social capital is defined in terms of the number, diversity and strength of the social relations maintained by those involved in the complex processes of narcotics-trafficking. In its more general sense as applied by Putnam, it means the pervasiveness of particular norms of reciprocity, the assurance of principles and rules of practice.

However, more importantly for the survival of this criminal trade, it also represents the 'prevalence of overwhelming trust for the institutional and regulatory climate of a society'.³⁶ These, it has been posited, can be eventually translated into 'institutionalized norms of behaviour that are known and internalized'.³⁷ In the final end, Putnam maintains, social capital denotes characteristics of social organization such as networks, norms and social trust. These facilitate co-ordination and co-operation for mutual benefit, which are created over a long time. In a practical sense, therefore, traffickers with better-performing networks traffic more drugs than is presently known, as the information provided so far is only indicative of the general trends in Ghana and the sub-region. These networks should be understood as a substitute for formal market-supporting institutions.³⁸

What sort of state emerges?

There are different types of states that can emerge from this sort of impact, spanning two extreme polarities. At one end of this polarity is a superficially functional state that has all the trappings of superficially well-functioning and responsible public and private sectors. In such a case, the judiciary, police, customs, banks, parliaments will be in place and supposedly providing a veneer of effectiveness. What happens is that this type of state basically facilitates both the transit of drugs and the transfer of illegitimate wealth by using its relatively functioning institutions to facilitate such criminal activities. A classic case is Ghana, which is democratic, with the supporting institutions and the veneer of functionality and an acceptance from the international community that its democratic institutions are well-functioning. In reality, however, according to the Bureau of International Narcotics and Law Enforcement Affairs of the US State Department in their 2008 report, while 'interdiction remains a focus of law enforcement efforts, [there is] less attention going towards arresting senior members of the narcotics rings or build up

cases against local drug barons'.³⁹ The report was scathing about the inability to establish appropriate laws dealing with the Proceeds of Crime Bill and the revision of the domestic legislation dealing with drugs. According to the report, journalists and members of civil society speculate about connections between narcotics-trafficking and politicians. The end result, according to Mary Carlin Yates, the deputy commander for civil-military activities of the US Africa Command (AFRICOM), is that '8% of the total drug seizures in Europe transited through Ghana'.

A second state type is the usual fragile states that are easily identifiable by the lack of institutional capacity to deliver any public goods. The worst case scenario state or type 3 state is Guinea-Bissau, where the impact of narcotics contributes to the wayward behaviour of public officers and underscores the level of fragility that enables drug barons, with the allure of huge profits from drugs-trafficking to control the levers of state authority. Subsequently, officials at all levels of government get involved in drugs and the profits that accrue thereof.

Sub-regional and regional responses to TOCs in Africa

Attempts to stem the tide of organized crime, especially drugs-trafficking in Africa, have been at the national, sub-regional and regional levels. This section, however, examines some of the initiatives that have been undertaken by ECOWAS and the AU in order to address the challenges posed by organized crime.

There are several institutional frameworks, but with the exception of activities undertaken by ECOWAS's Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) (which has been engaged in combating the activities of money laundering through its capacity-building and training programmes and is improving the capacity of member states to respond to the threats of drugs and money laundering), '... operationally, not much has taken place'.⁴⁰ In spite of the few achievements, the ECOWAS Commission continues to show concern with this upsurge, and in June 2007, at its 32nd Ordinary Session, the Authority of Heads of State and Government expressed serious concern about the expansion in drugs-trafficking. As a result, the ECOWAS Commission was mandated to take urgent action. To get a fair view of the extent of the problem, GIABA was authorized to determine the scale of the problem as a means of using the recommendations arising from its activities subsequently to prepare for ECOWAS's strategy.

Two initiatives have been undertaken. First, a civil society organizations meeting on drugs in Abuja, Nigeria, on 16 October 2008, and second, the just ended ECOWAS collaborative regional ministerial conference on drugs-trafficking and control in October 2008 at Praia, Cape Verde, with the assistance of the UN Office for West Africa (UNOWA), UNODC and the European Union (EU) titled 'Drug Trafficking as a Security Threat in West Africa'.⁴¹ In the operative sections of the Political Declaration, the ECOWAS Commission was directed to establish:

- a strong co-ordination mechanism to forge close links with member states, government and civil institutions and organizations involved in drug control in order to achieve better co-ordination in the control of drugs-trafficking and abuse in the sub-region, and for that purpose;
- an ECOWAS Drug Control and Crime Prevention Division responsible for the overall co-ordination of regional initiatives undertaken in the area of drug abuse and crime prevention, treatment and rehabilitation as well as the collection and analysis of data on crime and drug phenomenon in the sub-region; and

- ‘an appropriate structure under the direct supervision of the President of the ECOWAS Commission, responsible for overall coordination and monitoring of regional initiatives undertaken in the area of illicit drug trafficking and drug abuse prevention’.

The most important aspect of the new ECOWAS approach is the responsibility by each individual state in addressing the issue. In other words, the regional solution will be the addition/result of the efforts made at national level.

Beyond ECOWAS, there are also Africa-wide initiatives being undertaken by the AU to minimize the potentially negative effects of transnational crime in Africa. The problem of transnational crime was placed on the agenda of the Organization of African Unity (OAU), the predecessor of the AU, from the mid-1990s.

From the above discussions, it is apparent that transnational organized crime has soared in West Africa in recent times. The primary concern with the situation in the sub-region is its potential to destroy state structures and institutions threatening democracy and state stability in the long term.

The AU also recognizes that the impact of drugs-trafficking and use of drugs is now a continental challenge and its consequences include, among other things, firearms proliferation, wars, civil conflicts, as well as weak controls over criminal activities.⁴² According to the AU, drugs-trafficking creates special vulnerabilities leading to the ‘emergence of relatively new threats and security ... “These emerging threats ... have gained prominence in West Africa” (ibid.). As a result, the AU has initiated a 2013–2017 Plan of Action on Drug Control. It takes “cognisan[ce] of the magnitude and complexity of new trends of drug trafficking through the region and ... security impact”⁴³ The goal of this Action Plan, according to the AU is ‘improv[ing] the ... security and ... well-being of people in Africa’.⁴⁴ In recognition of the challenges posed by drugs-trafficking, the AU Plan of Action has a three-part strategy for implementation at member state, regional and continental levels.

Conclusion

From the above analysis, it is important that there is a better appreciation of the multiplicity of actors, the interconnectedness of their activities and the essential need for a co-ordinated and holistic region-wide response. This is because the changing flexibility of the operational tactics and activities of these groups and the interdependencies that have been developed also merit a region-wide response. It must be recognized that there is a multiplicity of actors that feed into the cycle of weak and ineffective and corrupt state institutions and organized crime. These cut across political, social and economic elites, international criminal networks, and businesses and multi-national enterprises. Second, it is critical that there is recognition of a multiplicity of activities that straddle the legal and the illicit. It is important that this is understood to reduce the spectre of designing response mechanisms that weaken the very institutions that they seek to strengthen.

Furthermore, states need to understand the negative impact of the criminal economy on states by placing the issue of combating organized crime and corruption on the agenda of ECOWAS member states and ECOWAS itself. While this crisis expands there is definitely the need to provide greater financial support to public-sector institutions empowered to respond to this crime and to those involved in the governance, security and corruption sectors in a more coherent and co-ordinated manner, and to encourage research into the implications of the performance of social welfare roles by criminal gangs.

Notes

- 1 K. Aning, 'Are there Transnational Organised Criminal Groups in West Africa? The Case of Ghana', *Journal of Global Crime* 8:3 (2007).
- 2 See Jason Warner, 'Narco-TrAfrica: Why West Africa is the World's Newest Alleyway for Illicit Substances and Why the Global Community Should Care', *Harvard Africa Policy Journal* 7 (2011): 23.
- 3 M. da Costa, *The Observer on Sunday*, 9 March 2008; E. Vulliamy, 'How a Tiny West African Country became the World's First Narco State', *The Observer on Sunday*, 9 March 2008.
- 4 UNODC, *Drug Trafficking as a Security Threat in West Africa*, Vienna: UNODC, October 2008.
- 5 This country has had its fair share of attacks, in March 2007, 500 kilos of cocaine were seized from a container.
- 6 Ghana, as one of two hubs, is more of a stockpiling place for further distribution to other West African countries.
- 7 In July 2008, a Caracas-registered aircraft flying a false Red Cross flag landed at Lungi Airport, Free-town, with 700 kg of cocaine. However, a trial run of a Venezuelan consignment of 2.5 tons of cocaine failed as those loading the drugs onto a plane for a flight to Sierra Leone were arrested.
- 8 In July 2008 500 kilos of cocaine 'went missing' at Bissau airport as soldiers and policemen quarrelled about who should take control of the drugs; see also A. Nossiter, 'Fragile Nation in Disarray Holds Few Hopes for Vote', *The New York Times*, 28 June 2009; Antonio L. Mazzitelli, 'Transnational Organized Crime in West Africa: The Additional Challenge', *International Affairs* 83:6 (2007): 1075–76; UNODC, *Cocaine Trafficking in West Africa: The Threat to Stability and Development*, Vienna: UNODC, 2007.
- 9 S. King, Jr, 'Ghanaians and Drug Trafficking: A Liberian's View', 2008, www.newliberian.com. In this case, 2.4 tons of cocaine worth US\$500 million was seized off Liberia's shores after a French frigate forced the Blue Atlantic vessel to dock in Monrovia.
- 10 BBC News, 'Guinea Drug Agents are "Corrupt"', 2008, news.bbc.co.uk/2/hi/Africa/7683696.stm (accessed 22 October 2008).
- 11 'Nigeria: 238 Women in UK Prison over Drug Trafficking', *Vanguard* (Lagos), 22 November 2008.
- 12 Ebow Godwin, 'Special Report: Drug Trafficking in Togo Adopts New Visage', 2011. According to Godwin, '...in June 2011, the central office for the suppression of drug trafficking confiscated another consignment of 192 kilos of cocaine at the Lome Autonomous Port'. Between 2008 and 2011, a total of 2,651 kilos of cannabis and 629 kilos of cocaine were intercepted.
- 13 BBC News, 'New Senegal Record Cocaine Haul', 2 July 2007, news.bbc.co.uk/2/hi/africa/6260708.stm (accessed 30 September 2008); see also BBC News, 'Deserted Cocaine Boat in Senegal', 29 June 2007, news.bbc.co.uk/1/hi/world/africa/6254496.stm (accessed 6 March 2013).
- 14 BBC News, 'Africa—New Front in Drugs War', 9 July 2007, news.bbc.co.uk/2/hi/africa/6274590.stm (accessed 12 September 2008). See also J. Cockayne and Phil Williams, *The Invisible Tide: Towards an International Strategy to Deal with Drug Trafficking in West Africa*, New York: International Peace Institute, October 2009.
- 15 Eric Amoateng (MP) was arrested in November 2005 by US Law Enforcement Officials.
- 16 O.G. Djan, 'Illicit Drug Trade Menace: Barons' Moles in NACOB Busted', *The Enquirer*, 23 August 2011, 1, 4. These 'moles' have been in place since 2006 and coincide with the period characterized by WikiLeaks as the 'boom period for the illicit trade in Ghana'. According to reports, the *modus operandi* of these agents was to provide information so that couriers would be allowed free passage: 'Her mode of operation was to get in touch with the barons to know the number of couriers they were sending, their passport numbers and the attires the couriers would be wearing.'
- 17 A.R. Gomda, '15 NACOB Staff Arrested', *Daily Guide*, 23 August 2011, 3. The article asserts that, 'according to information gathered, operation[al] agents of the NACOB have arrested 15 of their own personnel including National Security and bureau of National Investigations (BNI) operatives over drugs-related offences'.
- 18 'President of Premier League Club Nabbed over Narcotic Drugs', www.myjoyonline.com (accessed 24 August 2011); see also 'Privacy Laws on NACOB Officials must be Reviewed', www.myjoyonline.com (accessed 24 August 2011).
- 19 S. Sah, 'Court Remands 10 NACOB Officers Over Alleged Drug Deals', *Daily Graphic*, 27 August 2011, 1, 3.
- 20 This was the definition provided to the conference organized by the Bangkok Country Office (BCO) and the Joint Interagency Task Force West (JIATF West). See, 'Notes from the African Criminal Networks Conference', 1.

- 21 C. Johnson, 'US Charges Three in Narco-terrorism Case', *Washington Post*, 19 December 2009, A2; N. McFarquhar, 'Near Timbuktu, Mali Tackles al-Qaeda and Drug Traffickers', *The New York Times*, 2 January 2011, 6.
- 22 See, for example, K. Aning, 'Security Links between Trafficking and Terrorism in the Sahel', *Africa South of the Sahara*, London: Routledge, 2011. The August 2011 kidnappings in northern Nigeria and the assertion by the kidnapped that they were being held by Boko Haram in conjunction with AQIM create a wholly new dimension to terrorism in West Africa.
- 23 See T. Gaynor and Tiemoko Diallo, 'Al Qaeda Linked to Rogue Aviation Network', *European Network Drugs Expertise*, 13 January 2010, www.endproject.net/news.php?newsid=268 (accessed 6 July 2011).
- 24 W. Rashbaum, 'U.S. Charges 3 Malians in Drug Plot', *The New York Times*, 18 December 2009. The sums of money involved in the transshipment of such narcotics are huge. Charges for transportation range between \$1,000 to \$10,000 per kilo.
- 25 Gaynor and Diallo, 'Al Qaeda Linked to Rogue Aviation Network'. It has been asserted that FARC has exploited weak law enforcement institution corruption to transship significant quantities of narcotics to Europe.
- 26 Quoted in Rashbaum, 'U.S. Charges 3 Malians in Drug Plot'; H. Graham, 'Terrorism and the Illegal Drugs Trade in West and North Africa', *RUSI Newsbrief*, 24 November 2010.
- 27 Ibid.
- 28 J.K. Giraldo and H.A. Trinkunas, 'The Political Economy of Terrorism Financing', in J. Giraldo and H. Trinkunas *Terrorism Financing and State Responses: A Comparative Perspective*, Stanford, CA: Stanford University Press, 2007, 11–12.
- 29 Aning, 'Are there Transnational Organised Criminal Groups in West Africa?'
- 30 Giraldo and Trinkunas, 'The Political Economy of Terrorism Financing', 8.
- 31 Aning, 'Security Links between Trafficking and Terrorism in the Sahel'.
- 32 Moses Dotsey Aklorbutu, 'Robbers Raid Ship', *Daily Graphic* 6 July 2011, 1, 3. In this sleepy port town, July 2011 alone experienced two piracy attacks.
- 33 'Terrorist Drug Connection', *This Week*, 9 January 2010, 8. Three suspected AQIM members were charged with plotting to traffic cocaine in order to fund Islamist terrorism. These three Malians were arrested in Ghana and extradited to the USA. See also, 'Freed Hostage: Captors Tried to Convert me to Islam', *Khaleej Times*, 20 February 2010, 24.
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Terrorism and the Islamist challenge in the North African Maghreb

A critical assessment

Valentina Bartolucci

Introduction

North Africa remains afflicted by the spectre of terrorism and there are indications that the threat is on the rise.¹ There is no state in the Maghreb region that has not experienced it. In the 1990s, Algeria was confronted with the use of terrorism as a tactic against the state and its representatives. Morocco and Tunisia to a large extent have managed to contain the immediate threat of terrorism, because of different historic and political trajectories. However, the incidence of terrorism is on the rise in the Maghreb. The worsening of socio-economic conditions in the region have stimulated the development and spread of terrorist recruitment networks in these and neighbouring countries. Furthermore, the political impasse in the Middle East between Israel and the Palestinians, as well as geostrategic interventions in Iraq and Afghanistan, by a coalition of actors including the USA, UK and their allies, has further fuelled the rise of political and radical terrorist movements in the Maghreb.

This chapter aims to provide an overview of the threat and spread of terrorism and of the Islamist influence in the Maghreb, as well as assess the counter-terrorism approaches of the three countries under review: Algeria, Morocco and Tunisia. Morocco had a distinct colonial experience and has a very distinct form of government. While Algeria achieved independence following a bloody revolution and emerged as a republic with military or military-backed governments, Morocco, on the contrary, has made a more peaceful transition from French control. It is a centuries-old monarchic state with a high level of public legitimization, in which the king is both the highest political and religious authority. In the last decade, however, Morocco has experienced two major and a few minor terrorist attacks, and a number of plots have been uncovered. Tunisia has been long regarded as one of the most stable countries in the region, but still the threat of terrorism remains very concrete. While all three countries were confronted with similar challenges after independence, they each adopted a different strategy to dealing with the ensuing threat. The domestic and internal political dynamics also had an

impact on the manifestation and magnitude of the threat of terrorism and their ability to contain violence. The first section of this chapter provides an insight into the spread and threat of terrorist organizations in the Maghreb.² Particular attention is devoted to al-Qa'ida in the Islamic Maghreb (AQIM)—its structure and activities, the influence of al-Qa'ida in its establishment and consolidation. The second section provides an assessment of the counter-terrorism strategies initiated by the three countries, among which are political strategies, socio-economic restructuring, and religious control and education. The third section focuses on the Islamist challenge in the Maghreb.

Terrorism in the Maghreb

With the term 'Maghreb' (*al-maghrib* in Arabic), we refer to the western area of North Africa that is composed of Morocco, Algeria and Tunisia. In all three states, the state religion is Islam, the population contains a majority of Arabs and Berbers, and the two official languages are Arabic and French. With 'Islamism' and its direct derivative—'Islamist'—we refer to a politico-religious phenomenon linked to the events of the 20th century, bearing a holistic vision of Islam with the final aim of restoring the caliphate.³

Algeria

Algeria has long been a focal point of domestic terrorism and is now a major source of international terrorism. According to some analysts it was the fourth largest supplier of 'anti-coalition' fighters to Iraq.⁴ Twenty-six Algerians were held at the US base at Guantánamo Bay, and several Algerians have been arrested on terrorism charges in the past few years across the world.⁵ According to Archer and Popovic, Algeria is 'arguably the cause of the terrorism in the wider Saharan region'.⁶ The nullification of the 1992 elections, in which the Islamic Salvation Front (FIS) was poised to win, was followed by a bloody civil war that engulfed Algeria in violence for years to come. It is estimated that up to 200,000 lives were lost to terrorism in Algeria between 1992 and 2000 in regular confrontations between the military-backed government and its Islamist opposition.⁷ Thousands of people disappeared, abducted by security services or members of the dissolved FIS.⁸ Two Algerian terrorist groups are US State Department-designated foreign terrorist organizations (FTOs)—the 'Islamic Armed Group' (GIA) and AQIM. The GIA was most active from 1991 to 2001 with the last attack reported in 2006. In 1998, the GSPC split from the GIA. In 2003, it declared its allegiance to al-Qa'ida, uniting officially with it on 11 September 2006, taking the name of AQIM. The GSPC—a local Algerian Islamist group turned pan-Maghreb jihadi organization—has stated openly its allegiance to the goals and tactics of al-Qa'ida.⁹ Despite these claims, 'it is still hard to be certain from open source information to what extent there is operational cooperation between al-Qaeda and the GSPC'.¹⁰ The AQIM one of the most vocal and active terrorist groups in North Africa. Its avowed enemies are the Algerian government and what it refers to as the 'infidel' West, in particular France. It has taken responsibility for a number of terrorist incidents in the region and it looks in recent years as though it has been trying to pursue a more global strategy.¹¹ Since 2009, AQIM has continued to operate in north-eastern Algeria, on the Berber region of Kabylie.¹² Furthermore, as a result of the increased difficulties encountered in northern Algeria and in line with the AQIM *emir* Droukdel's regional ambitions, its operations have moved into Mali, Niger, Mauritania, with wider aspirations.¹³

Currently, Algeria is plagued by bouts of violence. Terrorist groups continue to launch fatal attacks, directed mostly—but not exclusively—at military and police targets.¹⁴ The US Bureau

of Diplomatic Security reports that AQIM executed several notable operations in 2011 and AQIM attacks in Algeria resulted in the deaths of over 160 civilians and Algerian security forces.¹⁵ Recently links between AQIM and African terrorist groups like al-Shabaab and Boko Haram have been reported. As for 2011, 243 bombings were reported in Algeria, 19 kidnappings, 126 terrorist acts (excluding bombings), 174 security forces members killed, 329 terrorists killed by government forces and 489 terrorists arrested by the government. There are clashes between suspected militants and the security forces across Algeria on a daily basis. AQIM is also being held responsible for kidnapping several European Union (EU) citizens. It has also been reported that AQIM's operations have moved into Mauritania, Nigeria and Mali, with wider aspirations in Europe¹⁶ and in the rest of the Maghreb.¹⁷ There is clear evidence of collaboration between AQIM and the Nigeria-based radical Islamist organization Boko Haram. This collaboration resulted in a number of violent attacks, including the suicide bombings at the UN headquarters in Abuja in August 2011 that killed 24 people, and the bombings of January 2012 resulting in more than 200 deaths in Kano.¹⁸ Furthermore, in January 2012 the re-emergence of Tuareg rebel groups in northern Mali resulted in violent clashes with government troops in Aguelhok and Tessalit.¹⁹

Morocco

The violent events of the last decade have led to the burial of Moroccan 'exceptionalism' in terms of vulnerability to terrorist planning and attacks. Morocco, characterized by an increased openness when compared to its peer states and praised for its moderate version of Islam, was thought 'immune' to terrorist acts and Moroccans thought incapable of carrying out attacks. The Casablanca bombings of 16 May 2003—in which 12 suicide bombers killed 33 people in co-ordinated strikes—demonstrated that this was no longer the case. On 11 March 2007, there was a suicide bombing marking the three-year anniversary of the Madrid explosions. On 10 April 2007 three suicide bombers attempted an explosion inside an Internet café, and, on 11 April two suicide bombers detonated their devices near the US consulate. The events of March and April 2007, and the latest attack in April 2011, further put Morocco at centre stage. Not only has the presumed 'exceptionalism' been proven to be illusory, but Morocco is also increasingly seen as a 'producer' of terrorist violence internationally, especially after the involvement of Moroccans in major terrorist events in Spain (as in the 2004 Madrid bombings) and elsewhere.²⁰ According to some analysts, Moroccan immigrants in Europe have also been implicated in a number of failed terrorist plots²¹ and were reported to have carried out several suicide attacks in Iraq, and were also implicated in the murder of Theo van Gogh.²² Because of this, 'Morocco look[s] increasingly important to jihadi terrorism worldwide'.²³

The most recent terrorist attack in the country took place on 28 April 2011 at a very popular café in the world-famous *Djelma el-Fna* square in Marrakech. Seventeen people were killed. The primary suspect arrested after the event, Adil Othmani, appeared to have been attempting to join al-Qa'ida in Iraq and Chechnya before deciding to engage in violence directly against Morocco.²⁴ The events came only a few days after the ruling King Muhammad VI pardoned a raft of political prisoners—including some alleged 'Islamists'.²⁵ A few days after the events, thousands of people demonstrated against terrorism, reiterating once again the total extraneousness of Morocco to terrorism.²⁶ AQIM denied direct responsibility. On 5 February 2011, 27 people were arrested under suspicion of involvement in the planning of a terrorist attack in Morocco and in other countries. That was the first time Morocco made public the arrest of an active member of AQIM in its territory.²⁷ The following violent groups are active in Morocco:

- Moroccan Islamic Combatant Group (MICG): dedicated to the creation of an Islamist state in Morocco and supporting al-Qa'ida's objectives. It is a US-designated FTO.
- Salafiyya Jihadiyya: believed to be one of the largest terrorist groups in the country. It is suspected of being an arbitrary label used by Moroccan authorities to pursue all Islamists.
- Takfir wa Hijra: a pan-religious group. Ayman al-Zawahiri and the late Abu Musab al-Zarqawi are believed to be members.
- Various small violent cells.

Tunisia

Although terrorism is less evident in Tunisia than in its surrounding states, there are signs that the threat level is on the rise. Since the departure of long-time President Zine al-Abidine Ben Ali in January 2011, domestic tensions between Islamists and secularists have burgeoned. Islamists and secularists have grown increasingly polarized and Salafist agitation and violence have increased.²⁸ There is also a possibility that AQIM could take advantage of the current political instability.²⁹ In the last few years, Tunisian security forces have eliminated several plots by al-Qa'ida-linked militants.³⁰ On 11 April 2002, a truck bomb targeted a synagogue on the island of Djerba, killing 21 people and injuring a further 30.³¹ The 'Islamic Army for the Liberation for the Holy Sites', allegedly connected to al-Qa'ida, claimed responsibility.³² A Moroccan was also implicated in the events.³³ Between December 2006 and January 2007, a number of armed clashes between Tunisian security forces and members of an armed group called the 'Soldiers of Assad Ibn al-Fourat', linked to AQIM, occurred and 14 people were killed.³⁴ Violent clashes between security forces and armed men were reported in 2011.³⁵ In recent years, a number of Tunisians suspected of ties to al-Qa'ida have been arrested in Spain, Italy, France, Germany, Pakistan, Afghanistan, Iraq, Mauritania and the USA.³⁶

The following violent groups are considered to be active in Tunisia:

- The Islamic Army for the Liberation of the Holy Sites, linked to al-Qa'ida and responsible for the major attack of April 2002.
- The Tunisian Combatant Group (TCG), seeking to establish an Islamist regime in Tunisia.
- The Soldiers of Assad Ibn al-Fourat (linked to AQIM), responsible for attacks between December 2006 and January 2007.
- The Zarzis group, mostly active in the area of the Libyan border.

Counter-terrorism in the Maghreb

Algeria

Between 1995 and 1999, Algeria's counter-terrorism strategy was based on three pillars: (1) a military offensive by the army, security forces and the intelligence services; (2) a political dimension, known as 'national reconciliation'; and (3) a more subtle propaganda war. At a pure security level, since the late 1990s, counter-terrorism approaches have been largely effective in quelling most of the violence in Algeria. However, abuses occurred and are still occurring. Tens of thousands of people have been arrested, injured or killed under anti-terrorism provisions, especially suspected members or sympathizers of the FIS, which was outlawed in March 1992. The use of torture and ill-treatment has been widespread.³⁷ Following accusations against Algeria for being too harsh in its fight against terrorism, the government moved away from dedicated legislation, to address terrorism as a criminal act within the penal code.³⁸

Currently, Algeria is leading other Maghreb countries in efforts to eradicate the terrorist threat in the region. In April 2011, Algeria launched a sweeping counter-terrorism offensive, entitled 'Operation Ennasr' (meaning 'victory'), targeting AQIM. Algeria remains an active ally of the US global counter-terrorism effort and Washington has recently reassured Algeria that it is a vital part of America's counter-terrorism strategy.³⁹ In January, the Algerian government lifted the state of emergency in a concession designed to avoid the tide of uprisings sweeping the Arab world. In 2011, two multi-national conferences have been held in Algiers, and Algeria has established a Joint Operational General Staff Committee command centre in the southern city of Tamanrasset.⁴⁰ The US Bureau of Diplomatic Security reports that during 2011 'Algeria participated in several cross-border counterterrorist raids'.⁴¹ The Algerian government has also taken steps to confront the religious and ideological foundations of AQIM and other violent organizations. The Algerian Ministry of Religious Affairs and Endowments has been trying to strengthen the influence of the Maliki School as a means of deterring the infiltration of 'foreign' (i.e. Salafist) forms of Islam that espouse *takfiri* practices (the declaration of other Muslims as apostates deserving of death), which are believed to form the ideological foundation of terrorist groups such as al-Qa'ida.⁴²

Algeria continues to experience widespread human rights violations. There are still widespread restrictions on freedom of expression, association and assembly led by the authorities on the necessity to combat terrorism. Islamists continued to be regularly harassed and every year there are 'disappearances'.⁴³ With the 11 September 2001 events, the 'Islamist threat' was turned into revenue; it guarantees unconditional support from Western states and aid, including in arms.⁴⁴

Morocco

Moroccan anti-terrorism policy is born largely of the country's reaction to the 2003 Casablanca bombings. Morocco had previously attempted to adopt counter-terrorism legislation following the 11 September 2001 events, but this had been rejected by the parliament, as terrorism was not seen as applicable to the Moroccan reality. However, shortly after the 2003 bombings, a stringent anti-terrorism law was approved, accompanied by social assistance programmes and a reform of the religious sector—a multidimensional strategy that has had both successes and failures.⁴⁵ Moroccan anti-terrorism law has worked fairly well in preventing further terrorist attacks. From a pure security perspective the multidimensional strategy designed to counter terrorism in Morocco was effective in reducing the number of terrorist occurrences in the country, and preventing the transformation of Morocco into an open space for al-Qa'ida as had happened in Algeria.

The law played an important role in dissolving many cells (e.g. the Belliraj network in 2007). The religious reforms led to positive changes in terms of better education and female inclusion in the religious establishment. Concerning social reforms, some progress was made—especially in the housing sector and in launching a 'national initiative for human development', framed under the belief that if poverty does not cause terrorism it certainly exacerbates the threat. The law, however, has also been the target of attacks by both human rights activists, Islamists and more recently segments of the pro-democracy movement of '20 February 2011', which complained against its unfair application and the excesses that are believed to have been committed in law enforcement. Abuses occurred and are still occurring—some recognized by the King himself. As of the beginning of 2011, 'hundreds of suspected Islamist extremists arrested in the aftermath of the Casablanca bombings of May 2003 remain in prison ... Following the 2007 terrorist attacks in 2007, police have arrested hundreds more suspected militants'.⁴⁶ One of the problems resides in the vagueness of the definition of terrorism contained in the law which has

had consequences for its fair application—Vermeren reported that more than 5,000 people have been arrested under the anti-terrorism law in the space of a few months, often in a non-transparent way.⁴⁷ Furthermore, if governmental support increased with regard to the members of the political Justice and Development Party (PJD), the Islamists of the illegal but tolerated Justice and Charity Movement were increasingly seen as the group to be kept under control. Nadia Yassine, spokesperson of the movement and daughter of Sheikh Yassine,⁴⁸ has been strongly attacked for her support of a democratic system and has been prosecuted several times.⁴⁹ Press freedom has also been notably restricted and the government is still using ‘repressive legislation and complaisant courts to punish and imprison peaceful opponents’.⁵⁰

Tunisia

The government of Tunisia prioritizes the combating of terrorism. Tunisia’s multi-dimensional counter-terrorism approach has three ‘pillars’: (1) political, socio-cultural; (2) human development; and (3) legal. Security and law enforcement measures are accompanied by social and economical programmes (e.g. health and educational programmes) to ameliorate the conditions that are believed to be exploited by terrorist groups for recruitment and propaganda purposes. On 30 July 2009, the provisions regarding terrorism financing in the 2003 anti-terrorism law were amended and, today, Tunisia serves as a reference case in the fight against terrorism. Nevertheless, there are claims that 2,000 Tunisians have been convicted of offences under the anti-terrorism legislation since 2003⁵¹ and some of them allegedly have been killed.⁵² Observers have claimed that the law ‘makes the exercise of fundamental freedoms ... an expression of terrorism’.⁵³ The anti-terrorism law contains a very broad definition of ‘terrorism’ that has allowed unfair applications. The use of torture and ill-treatment in police stations and prisons to extract information and confessions has been reported, and people prosecuted under the anti-terrorism law have been sentenced to long prison terms after unfair trials.⁵⁴ Islamist political parties and associations are still banned on the basis that they could pose a terrorist threat. Human Rights Watch (HRW) reports that:

the government frequently uses the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent, while state security agents use surveillance, arbitrary detention, and physical aggression to intimidate and persecute those whom the government deems to be a ‘threat’.⁵⁵

The radical Islamist’s unknown in the Maghreb

Algeria

Islamism in Algeria has had a complex history.⁵⁶ Along with moderate expression, a radical strand has always been present, acclaiming the virtues of violence as a means of fostering social change. In its long years of struggle, resistance and accommodation, different visions and diverse figures have emerged. Today, Algerian political Islamism encompasses a multiplicity of voices, many of which are peaceful. Since the 1990s nullification of elections (for fear of the stunning popularity of the Islamist party) and consequent civil war, the Algerian situation has been at an impasse. Violence still continues in Algeria and the socio-political situation is volatile. Despite that, there are no marches, no rallies and no demonstrations yet, and a protest movement was quickly overwhelmed by security forces in February 2011.⁵⁷ Perhaps this has to do with the fact

that memories of the 1990s bloody suppression of an Islamist revolt are still very alive among Algerians. Furthermore, the state has invested a lot in younger generations.

Morocco

Islamist tendencies first appeared in Morocco in the early 1960s. Historically, the Moroccan government has held an ambivalent position toward Islamist tendencies. Islamists were initially encouraged by the palace in order to oppose the 'danger' coming from the Left.⁵⁸ In the face of this challenge, Morocco turned to Saudi Arabia for help, giving to the Saudis, in return, the freedom to introduce Wahhabism in Morocco through publications, preachers, audiotapes and monetary contributions. Islamists, after initial support by the government, however, soon became the target of negotiations masking the palace's willingness to control them. Following Ayatollah Khomeini's campaign of exporting its aim to establish an Islamic republic even in Morocco, King Hassan II commanded the repression of Islamists, especially those suspected of having links with the Shi'a.⁵⁹ Following this, the government decided to legalize the Islamists of the PJD in the belief that it would be easier to control them. The other major Islamist movement in Morocco, Justice and Charity, is not legalized but is tolerated by the government, although its members are often harassed.⁶⁰

Tunisia

At one point Islamist parties formed the strongest opposition force in the country, but as a consequence of Ben Ali's repression of them in 1989, they did not feature in Tunisian politics until March 2011. In 1987, Rached Ghannouchi, leader of the Movement of the Islamic Tendency (MIT), was arrested by security forces. Soon after, Ben Ali claimed the presidency, which he held until January 2011. Following the 2011 revolution and the ousting of Ben Ali on 14 January, Islamist parties have been able to re-form. The exiled leader of the Islamist party Hizb al Nahda was greeted by large crowds on his return to the country. Hizb al Nahda is the largest Islamist party in the country and its leaders have repeatedly worked hard to reassure ('Western') observers especially.⁶¹ However, even accounting for the moderate tone of political Islam in Tunisia, there are early signs that the gulf between Islamism and secularism may pose difficult security questions in the future.⁶² Women's groups, in particular, have expressed concern that the revolution could lead to an unwelcome move away from the country's secular tradition.⁶³ At the time of writing, after 20 years of exile, the long-suppressed Islamists were trying to figure out what role they could and wanted to have in the new Tunisia.

Conclusion

The terrorism threat in the Maghreb remains difficult to assess. Algeria has for a long time suffered from incidences of terrorism and Morocco's terrorism threat was relatively unknown until 2003. As for Tunisia, it appears like 'a place with many terrorists but no terrorism'.⁶⁴ Undoubtedly, however, while states in the Maghreb have partnered with the USA in the so-called 'war on terror', Washington (and European states too) have been turning a blind eye to 'terrorism from within', not least with regards to governmental officials and the security apparatus.

This brief survey across the Maghreb reveals a story that is more complex and nuanced than one might assume. In terms of the wider international relations of Africa, the entire continent is at a crossroads. Africa is on the verge of either falling into the dragnet of terrorists or at the point of realizing its true democratic potential. Moroccans, Tunisians and Algerians have

recently shown to the world their desire for real democracy and demanded dignity, freedom and 'bread'.

The analysis highlights the extent to which Africa has been neglected and points to the limitations of what goes by the name of the 'war on terror'. Poverty and socio-political marginalization are the key factors to focus on in order to achieve sustainable regional security. Indeed, it is becoming clear that the cards of both an Islamist threat and the menace of terrorism have been overplayed by politicians and the media. All three countries under analysis have, to various degrees, used for their own benefit the fear of terrorism, arguably to attract international funding. In all three countries, the anti-terrorism legislation has imposed undue restrictions on freedom of expression, movement and association. Similarly, all three governments have been able to use the fear of an Islamist/radical takeover and the terrorism threat to further their domestic agendas in terms of territorial expansion (e.g. in the Western Sahara), or the disempowerment, if not harassment, of individuals and groups deemed a potential threat to the government (especially Islamists, often represented as violent and as terrorists). Furthermore, the absence of Islamist claims in the waves of protests going under the name of 'the Arab revolutions' has underlined that people are more concerned about their freedoms and rights than establishing a global caliphate. At this point, it is interesting to note that several political leaders have tried to portray the Arab uprisings as somehow 'terrorist related'⁶⁵—in an attempt to delegitimize the protests. The asymmetrical attention, driven by concerns in Europe and the USA, devoted to countering terrorism and the Islamists, has played an important part in the governments' crushing of political opposition.⁶⁶ Stricter counter-terrorism legislation has allowed political leaders and officials to further domestic agendas even to the detriment of human rights, in a way also offering a means to legitimize state violence.

The current political situation in the Maghreb is unclear, and long-term and deep socio-economic problems remain—problems that have been, and continue to be, obscured by the fight against terrorism and this needs to be urgently addressed. Moreover, we must be mindful when discussing the Maghreb not to think in a homogeneous way. In fact, the three countries that comprise the Maghreb consist of very different histories and likely trajectories. In particular, Algeria with its recent violent past and current repressive policies represents the most worrying potential for instability and so demands a greater deal of attention from the scholarly community. On the contrary, Tunisia, with its recent successful overthrow of a hated dictator, represents the best opportunity of the Maghreb states for a transition to a plural democracy. Morocco can be counterpoised to Algeria as it has fairly low levels of violence in comparison to its neighbours and is arguably the most stable state in the region—a fact linked to its unique political history and political system. Finally, the fear of Islamist radicalism should be re-contextualized. If violent components are present in all Maghreb countries, political Islam in the region also has a long history of pacifism. Following the past repression of Islamists and its consequences, it could be argued that a different approach, based on dialogue and mutual comprehension with secular parties rather than open confrontation, is necessary in order to avoid a new spiral of violence.

Notes

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Private military companies in Africa

Yvette Selim

On 16 April 2004 Sandline International announced the closure of the company's operations. The general lack of governmental support for Private Military Companies willing to help end armed conflicts in places like Africa, in the absence of effective international intervention, is the reason for this decision. Without such support the ability of Sandline to make a positive difference in countries where there is widespread brutality and genocidal behaviour is materially diminished.

(The message on the website of Sandline International,¹ a now-defunct PMC)

Introduction

Private military companies (PMCs) are a relatively new subject in International Relations. Opinions of scholars, practitioners and industry representatives are fiercely divided: are PMCs the 'new dogs of war',² soldiers of fortune, the corporate answer to the weakening state, a wolf in sheep's clothing, or merely (neo-liberal) agents of democracy? Although the topic has recently been gaining more attention, particularly in terms of the normative, ethical and regulatory dimensions, there is a dearth of literature specific to the African continent. PMCs provoke high levels of contention and even controversy, perhaps encapsulated by Brooks's suggestion that the way to end conflicts in Africa is to 'write a cheque' to PMCs.³ This chapter will interrogate the key issues in the PMC debate. Readers will be directed to authors and sources for further information.

The quest for a definition

There is no universally accepted definition of PMCs. While there is little consensus on the definition, there is much commonality in framing PMCs in relation to mercenaries. In an effort to situate and define PMCs, most authors either distinguish PMCs from mercenaries or catalogue the evolution of their mercenary predecessors (as defined under international humanitarian law). From an industry perspective, Tim Spicer, then chief executive officer of the UK-based Sandline International (a now-defunct PMC), defined PMCs as 'corporate bodies specializing in the provision of military skills to legitimate governments: training, planning, intelligence, risk assessment, operational support, and technical skills'.⁴ Leander argues that the term 'private military companies' was launched and energetically marketed by Spicer so that this new label could replace the tainted mercenary one.⁵ While this debate rages and is indeed relevant, owing to limitations of space this chapter will not engage in a discussion on the relationship(s) between PMCs and mercenaries.⁶

A plethora of terms and definition has been proposed in relation to actors in the private security and military industry. These include private security companies (PSCs), PMCs and private military and security companies (PMSCs). Much of the debate seeks to differentiate between PSCs and PMCs (or assimilate these actors) in terms of the nature of their activities as offensive/combatant or defensive/non-combatant. However, given that companies generally offer heterogeneous activities, the distinction between PSCs and PMCs is often blurred both theoretically and empirically.⁷ What is more, the distinction is probably of little significance to those contracting PMCs nor to those affected by their activities.⁸

Singer provides a pragmatic definition of PMCs as ‘corporate bodies that specialize in the provision of military skills—including tactical combat operations, strategic planning, intelligence gathering and analysis, operational support, troop training and technical assistance’.⁹ Using the analogy of how a tip of a spear operates in conflict situations, combat activities are at the tip of the spear (e.g. battlefield support and training), with non-combatant activities (e.g. logistics) at the base. While this definition has frequently been adopted, it is argued that its key shortcoming is that it does not allow for companies with activities that change (moving up or down the spear), nor for companies that provide multiple activities (along the spear).

The term PMC (rather than PSC or PMSC) has become the standard term used by scholars and practitioners studying the growth of the private security and military industry. For the purposes of this chapter PMCs are defined as firms providing direct support, logistics and consultancy for security and military operations.¹⁰

Supply and demand: accounting for the proliferation of PMCs

There is a multitude of drivers attributed to creating space for a privatized security and military industry. These drivers/factors include the withdrawal of superpowers after the Cold War and the weakening of the state with regard to fulfilling its social contract, which precipitated changed market forces and led to an increase in market security. The knock-on effect has led to changes in the nature of warfare from inter-state conflict to intra-state conflict, and the normative shift towards privatization and thus the outsourcing of state functions.¹¹

Others argue that the exponential growth of the private security and military industry is indicative of how key global powers view privatization, especially in the realm of national security. The increase in PMCs has also been attributed to the failures of the international community to intervene directly in regional conflicts and to pledge military, humanitarian or financial support (as alluded to in the Sandline quote above). In fact, some have argued that PMCs have had more impact than the international community on local conflicts, as illustrated in Sierra Leone and Angola.¹² With developed states more reluctant to directly intervene in intra-state conflicts, it is argued that this created a niche for PMCs to be recruited by weak or fragile states. Whatever the key drivers, by mid-1997 more than 90 PMCs had operated in Africa, and by 2006 more than 200 PMCs (in total) were operating on every continent except Antarctica.¹³ Today, PMCs offer their services to a number of clients ranging from states to international organizations (e.g. the United Nations—UN), non-governmental organizations (NGOs, e.g. CARE) and humanitarian organizations (e.g. International Committee of the Red Cross—ICRC), each varying in their objectives, legitimacy and size.¹⁴

International relations in the African context¹⁵

The role of PMCs in the African context poses numerous anomalies. More than anywhere else in the world, PMCs have been the most active in Africa owing to the frequency and number of

conflicts.¹⁶ Arnold explains that in Africa, countries including Burundi, Ethiopia, Liberia, Mozambique, South Africa, Sudan and Rwanda have all experienced internal and external conflicts that have involved some form of private military assistance.¹⁷

The provision of military services once deemed the sole responsibility of the state is now being provided by external private actors, which significantly challenges the Weberian concept of sovereignty—defined as having a monopoly on force over the army and police forces—and the Tillian concept of the state. O'Brien posits: 'By privatizing security and the use of violence, removing it from the domain of the state and giving it to private interests, the state in these instances is both being strengthened and disassembled.'¹⁸ With the continued growth of the private security and military industry, Singer explains that we are witnessing the gradual erosion of the Weberian monopoly over forms of violence with PMCs portending the 'new business face of war'.¹⁹

However, examining the proliferation of PMCs in Africa cannot be done without also examining the nature of the post-colonial African state, particularly with regard to its institutional capacity in terms of security. Unlike their European counterparts that underwent the process of internal territorial expansion and acquisition, and forging mutual constraints between rule and the ruler, it is argued that African states were constructed by the arbitrary whims of colonialism, a process whereby the African continent was divided into zones that separated diverse social groupings under the rubric of 'state'.²⁰ So, it might be argued that while 'African states may possess the juridical aspects of sovereignty and of statehood they do not possess the more highly rated internal attributes of statehood such as representation, legitimacy, reciprocity, and most importantly, a monopoly over force'.²¹

After the Cold War, the main drivers of the *emergence* of PMCs were, according to Murphy, 'the withdrawal of the superpowers, the downsizing of African armies, and the subsequent need for strengthening of state security mechanisms'.²² The underlying problems (e.g. ethnic division, social exclusion, corruption and poor governance) that had been suppressed by the superpowers were ultimately exposed upon their withdrawal from the continent.

Thus, any discussion about the African state in relation to the PMCs debate must be framed within its historical legacy. In short, it can be argued that the notion that Africa was composed of sovereign states is false and yet this 'façade of sovereignty'²³ was maintained throughout the Cold War.²⁴ The security vacuums that were created upon the withdrawal of the superpowers catalyzed the proliferation of PMCs in Africa.²⁵

Spectrum of views

Views on PMCs range from the abolitionist (e.g. they are morally indefensible) to the notion that they are part of an increasing trend to privatize security and outsource state functions. Whatever the position on this broad spectrum, it is evident that further sustained and critical examination is required. The following section provides a selection of the key arguments for and against PMCs.

Advantages of PMCs

Expediency and cost saving

In situations that quickly escalate into violence, it is argued that PMCs can provide an expedient solution. History shows that even when a political decision has been made, there is still a significant lag time before the UN and/or African Union (AU) deploys peace-keepers in Africa; thus, PMCs are seen as the faster solution.

In Rwanda, while the international community was unwilling to provide troops, Executive Outcomes (EO) offered its services and some argue it could have been used to break cycles of

violence. In fact, Tim Spicer asks '[c]ould things have been different in Burundi or Rwanda if an effective military force [i.e. a PMC] had been deployed quickly?', answering in the affirmative. PMCs can also provide a cheaper, more cost-effective solution. For example, in Sierra Leone the cost of PMC operations was about 4% of the cost of following UN operations (see case study).²⁶

Capacity to bolster African forces

When the alternative is to deploy local forces who are often weak and have a poor record, proponents argue that PMCs will provide not only a more efficient but also a more professional response: 'Reliance on private security firms has become one of the key strategies used by African leaders to respond to the lack of professionalism of their own forces, either by buying services they need from outsiders or by using them to upgrade the local forces.'²⁷

PMCs could also bridge the gap when there are insufficient numbers of troops and/or a lack of qualified troops. Proponents argue that PMCs can act as 'force multipliers' to shift the balance in favour of the government, pointing particularly to the role EO played in ending the conflicts in Angola and Sierra Leone.²⁸

A pragmatic, market-based solution to fill the security gap

As aid workers are increasingly confronted with violent attacks and kidnapping, humanitarian organizations are turning to PMCs to provide their security needs. In this scenario PMCs are seen as the 'market-based solution' to reduce not only administration, training and insurance costs, but also the replacement costs from staff turnover, relocation and opportunity costs.²⁹ While this may be the case, many of these organizations stress that it is necessary to turn to the market 'only because of the absence of acceptable state-based solutions'.³⁰

Criticisms of PMCs

Prone to vested interests

PMCs are often related to extractive firms, weapons and armaments producers, aviation and transportation companies, as well as communications, engineering and manufacturing specialists. (Most private corporations included in the Sierra Leone case study—e.g. EO, Sandline International and BranchWork, DiamondWorks—are corporately related.³¹) This has led researchers to argue that corporate networks 'have come to part-own the state in Africa'.³² This raises the question, are we witnessing a diversification of these industries *into* the private security and military industry, or conversely, are we in fact seeing commercial and other interests linking up into powerful structures that ultimately favour the reliance of private security and military services?³³

Compliance and accountability

As the state no longer holds a monopoly on the use of violence, the accountability of the new actors is called into question. Unlike national armies and state security apparatuses, PMCs are not accountable in the same manner to the citizens of the state or under the Geneva Conventions or international humanitarian law—rather, it is their shareholders to whom they owe their allegiance.³⁴

In an international relations system that remains largely state-centric, the hiring of private actors poses even further anomalies in terms of accountability. If an employee of a PMC commits a war crime there is the issue of who or which actor should be held accountable: the contracting party (e.g. state, international organization, NGO or multinational corporation), employee (based on his or her state of origin), and/or the contractor (the PMC, which frequently bases its headquarters in tax havens with minimal legislation, particularly pertaining to their liability) (see the section on national legislation, below).³⁵

Foreign intervention by proxy?

At the heart of this objection is that PMCs can serve as ‘an innovative, albeit questionable foreign policy tool’.³⁶ Offering to step into the security vacuum—attributed to the international community’s unwillingness to intervene, public apathy, the UN’s bureaucracy, inefficiency and incompetence, and the legacy of the USA’s involvement in Somalia (1993)—has led to the situation where governments that are hesitant to intervene militarily for financial, political or military costs are able to use PMCs as a proxy or surrogates for state power.³⁷ As Beutel explains, ‘PMCs provide a platform for governments to circumvent their own foreign policy and affect events in countries in which they are ostensibly not involved’.³⁸ Governments may utilize PMCs and in so doing are able to circumvent the executive branch to avoid legislative controls or public debate.³⁹ For example, in the UK Sandline affair (also known as the ‘arms to Africa affair’), the UK was accused of being complicit in the breach of the UN arms embargo in Sierra Leone. Thus, PMCs may increasingly be utilized as a means to extend foreign involvement in Africa, heightening African concerns about external intervention, particularly by Western governments.

Negative long-term implications

PMCs may create temporary security, but their ability to build a long-term ‘democratically legitimate security apparatus remains doubtful’.⁴⁰ To date, none of the PMCs have demonstrated an ability ‘to provide anything but short and localized respites of conflict’.⁴¹ What is more, even if PMCs are able to deliver stability and security that is short-term (i.e. provide a ‘band-aid’ solution), this can be at the expense of addressing the root causes of the conflict and this is notwithstanding a catalogue of human rights abuses and other concerns raised by the presence of PMCs.⁴² It has been suggested that the long-term implication of employing PMCs is that states will form a dependency on their corporate partners and this will weaken the state in the long term, which has implications for already weakened or fragile African states (see below).⁴³ It is also feared that once PMCs gain legitimacy, this will bolster their ability to work independently of their host government.⁴⁴

Weakening sovereignty

In war-torn and conflict-ridden countries, states’ economies, financial capabilities and sources of income (e.g. manufacturing and tourism) are devastated, leaving natural resources often as the source of payment for goods and services.⁴⁵ For example, in lieu of financial payment, the Angolan government offered diamond and off-shore oil exploration and extraction concessions to the value of over US\$40 million a year.⁴⁶ Fuchs notes that such examples demonstrate ‘why the employment of firms like EO and Sandline represents a problematic issue: PMCs enhance the disassembling and weakening of the sovereignty of the state in favor of economic powers

and companies'.⁴⁷ Thus, the increasing emergence of PMCs has the potential further to weaken African states' control over resources and forms of force.

Diversion of revenue from natural resources and funds for the army

A recent 2011 study based on Africa found that PMCs paid with concessions to extract natural resources are more likely to work efficiently and to strive for a cessation of violence and hostilities to achieve their primary goal: profit.⁴⁸ However, with strategic resources serving as 'the operative currency for the provision of security',⁴⁹ it has been argued that this is 'inconsistent with both the letter and spirit of the international legal norms on permanent sovereignty over natural resources, and the principles relating to the right to development'.⁵⁰ Citizens are denied the opportunity to benefit from the revenues derived from the extraction and export of these resources, as much of the revenue derived from extractive companies (often corporately related to PMCs) is channelled elsewhere (e.g. into the provision of arms).

The emphasis on private security also comes at the expense of investment in public security. The outsourcing of Western governments to private actors has arguably exacerbated the acceptability of moving between public and private forces. In Sierra Leone, cash-strapped soldiers were known to fight for the government during the day and then for rebels at night (known as 'sobels').⁵¹ This example demonstrates that the line between private and public security is blurred even by those involved.

Case study⁵²

Executive outcomes in Sierra Leone

Sierra Leone is a diamond-dependent, resource-rich state. The conflict began in 1991 when the Revolutionary United Front (RUF) launched its rebellion against the government and began to occupy various mining areas in the country. In April 1995, prompted by EO's success in Angola, the National Provisional Ruling Council government of Valentine Strasser employed (the now-defunct PMC) South Africa-based Executive Outcomes (EO)—arguably 'the modern world's first fully equipped private army'.⁵³

The Sierra Leonean government was virtually bankrupt and opted to provide mineral concessions as partial payment to EO. However, EO not only provided security for the government but also provided security services to the mining companies Branch Energy/DiamondWorks (which minimized the mining companies' investment risk and led to an increase in financial profits).

EO was contracted to secure four major objectives: to protect Freetown (the capital); re-take captured mines and diamond fields from RUF rebels; liberate other areas under RUF occupation; and destroy the RUF's headquarters. This included services ranging from combat assistance to technical services and training. Within a nine-month period, the partnership of EO with Republic of Sierra Leone Military Forces (RSLMF) resulted in the RUF retreating from various diamond regions and from Freetown. Although ultimately the rebels were defeated and forced to the negotiating table, and while human rights abuses more than halved by 1996, many question whether the cost of \$35 million for a 21-month engagement period came at too high a price.⁵⁴

Pursuant to the Abidjan Peace Agreement of 1996, the government ended its contract with EO.⁵⁵ The withdrawal of EO in January 1997 was viewed by some as a major risk, as the intervening period until UN peace-keepers arrived could have created a security vacuum; these concerns did indeed come to fruition as it was not long after EO's departure that full-scale civil

war re-erupted. Despite EO's departure, LifeGuard Security, an offshoot of EO, was still operating in Sierra Leone, protecting the mining company DiamondWorks' assets.⁵⁶

The role of PMCs in Sierra Leone demonstrates the difficulties raised in this debate. To some it represents a success, while to others EO provided temporary stability; yet to others still the state was economically burdened by the contracts with EO and other PMCs, while to others the mineral concessions granted to PMC(-related) companies diminished the state's capacity to undertake significant post-conflict reconstruction.

The persistence of private security: how can PMCs be effectively regulated?

It would seem that PMCs are now firmly entrenched in the political landscape and will continue to play a role in conflict and post-conflict settings. Over time the question has gradually changed from how these private actors can be abolished/prohibited, to how PMCs and their employees can be held accountable while ensuring that the industry gains (greater) transparency and legitimacy. This shift has been strengthened in light of the increase of outsourcing by Western governments (e.g. for training and logistics), as well as governments of conflict and war-trodden countries.⁵⁷

The issue of regulation of PMCs is fraught with difficulty and, to date, references to international standards and other regulations are 'rare and vague'.⁵⁸ It is beyond the scope of this chapter to provide a comprehensive overview of this aspect of the PMC debate; accordingly, the following will provide a brief overview of the regulation options.⁵⁹

At one end of the spectrum are those who advocate for self-regulation (e.g. through an industry code of conduct).⁶⁰ However, this option has not been well received by the industry, with industry representatives asserting that they are in fact over-regulated and already deal with patchy rules that are unclear. What is more, 'self-regulation does not nearly begin to address the concerns that arise where the provision of such security services may lead to or result in violations of existing rules of International Human Rights and Humanitarian Law'.⁶¹

It is up to each state to draft and enact national legislation or implement a national accreditation/licensing system (e.g. South Africa's Regulation of Foreign Military Assistance Act 1998, and the US arms export control system). However, national-level regulation is patchy; further, its effectiveness is undermined given the transnational nature of PMCs, as companies are able to shift their operations and headquarters to evade accountability under national legislation and this is exacerbated by the problems of extraterritorial law enforcement.⁶² Notwithstanding, employees of PMCs are liable, and can thus be prosecuted, under the laws of the state in which they operate (i.e. host state), regardless of the laws in their home state.⁶³

Under international law, PMCs and their employees are generally not subsumed under the definitions of mercenary so they are therefore operating in an international legal 'vacuum'. One option 'would be to broaden the definitions to an extent where PMCs themselves and their employees are covered'.⁶⁴ However, efforts to strengthen international regulation are hampered by commonplace issues to any new international regulation: achieving consensus on the provisions in the drafting stage, and once an agreement has been endorsed ensuring ratification and enforcement by all members. Yet, according to Drews:

Despite these shortcomings, such an international undertaking could have the potential to make an evasion of PMC activity into countries with a low level of regulation harder. Therefore, at least an effort should be made to find a common solution to the problem on the international level. This regulation should cover the activity of PMCs within the scope

of international law by making the state which concluded the contract with a PMC responsible for the actions of the PMC and its employees.⁶⁵

Ultimately, the position that seems to be gaining the most traction is that effective regulation, at both national and international levels, in combination with industry self-regulation, is required.

Conclusion

It is clear that Brook's suggestion simply to write a cheque to PMCs to end wars in Africa is neither the panacea nor a complete fallacy. While the nature, scale, goals and activities of PMCs are subject to intense debate, there is general consensus that there is a pressing need for further research, discussion and, crucially, evidence-based analysis. This is particularly true in relation to the African context, where there is a lack of analysis that takes into consideration the African political landscape and the proliferation of PMCs across the continent.⁶⁶

Africa's international relations and domestic politics will continue to be impacted by the role of PMCs in African conflicts and this has ramifications both for African states and beyond. Calls to effectively regulate PMCs' activities through robust state, regional, international⁶⁷ and industry responses are growing but present a complex challenge. A fundamental question that must be asked is: where are the voices of Africans in this debate?

Acknowledgement

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Notes

- 1 Sandline International, www.sandline.com (accessed 15 August 2011).
- 2 J.C. Zarate, 'The Emergence of a New Dog of War: Private International Security Companies, International Law and the New World Disorder', *Stanford Journal of International Law* 34:1 (1998): 75–162, 75.
- 3 Doug Brooks is a proponent for the legitimization, and regulation, of PMCs; he is the founder and president of the International Peace Operations Associate (IPOA), a not-for-profit lobby organization and a director of the Peace Operations Institute, an off-shoot of IPOA. D. Brooks, 'Write a Cheque, End a War: Using Private Military Companies to End African Conflicts', *Conflict Trends* 1 (2000): 33–35.
- 4 Of interest is the qualification of providing services to 'legitimate' governments which, even if what constitutes 'legitimate' could be universally agreed upon, does not preclude other PMCs from contracting with 'illegitimate' groups (e.g. rebel groups). T. Spicer, *An Unorthodox Soldier: Peace and War and the Sandline Affair: An Autobiography*, Edinburgh: Mainstream, 1999, 15.
- 5 A. Leander, 'The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies', *Journal of Peace Research* 42:5 (2005): 605–22, 608.
- 6 For further discussion about mercenarism in Africa see S. Gumedze (ed.), 'Elimination of Mercenarism in Africa: A Need for a New Continental Approach', ISS Monograph Series, ISS, 2008, www.issafrica.org/uploads/5686_ISS_Monograph_176.pdf (accessed 17 December 2012).
- 7 J. Grofe, 'Human Rights and Private Military Companies: A Double-Edged Sword too Dangerous to Use?', in T. Jäger and G. Kümmel (eds) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects*, Wiesbaden: VS Verlag für Sozialwissenschaften, 2007, 241–58, 244.
- 8 The ability of PSCs to switch to military-related activities is sometimes reflected by the use of the term PMSCs.
- 9 Singer prefers the term private military firms (PMFs); however, firms and companies are often used interchangeably in this debate. P.W. Singer, 'Corporate Warriors: The Rise of the Privatized Military

- Industry and its Ramifications for International Security', *International Security* 26:2 (Winter 2001/02): 186–220, 186.
- 10 The sub-classification of non-combat PMCs versus combat PMCs is of limited significance today, as the only identified combat PMCs (e.g. Executive Outcomes (EO) and Sandline International) are now defunct. EO and Sandline International, which allegedly only offered offensive combat operations to sovereign states that included Angola, Sierra Leone and Papua New Guinea, ceased operations in 1999 and 2004, respectively. Leander, 'The Market for Force and Public Security', 606. Sandline International website (no longer operational) described the company's provision of services, which included 'support services (legal, commercial, public relations and lobbying), command and control (command, control, communications and intelligence), humanitarian support (convoy escorts, security for relief operations, protecting refugees, mine clearance), support to law and order (counter terrorism, anti-piracy, counter-narcotics, hostage negotiation and release), post conflict resolution (disarming and integration of warring factions, election monitoring, refugee support), training advice or practical packages, and arms procurement' (Sandline International, was available from www.sandline.com, cited in I.D. Jefferies, 'Private Military Companies—A Positive Role to Play in Today's International System', *The Quarterly Journal* 4 (December 2002): 103–27, 107).
 - 11 Singer, 'Corporate Warriors', 193; M. Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', *Occasional Papers Series*, Durban: ACCORD, 2006, 19–20, www.accord.org.za/downloads/op/op_2006_2.pdf (accessed 15 August 2011).
 - 12 K. O'Brien, 'What Should and What Should Not be Regulated?', in S. Chesterman and C. Lehnardt (eds) *From Mercenaries to Market*, Oxford: Oxford University Press, 2007, 29–48, 30.
 - 13 P. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*, Ithaca, NY: Cornell University Press, 2003, 9; J. Baum and A.M. McGahan, *Outsourcing War: The Evolution of the Private Military Industry After the Cold War*, Toronto: University of Toronto, 2009, 30, ssrn.com/abstract=1496498 (accessed 15 August 2011).
 - 14 Perhaps of most interest is the UN's position on the use of PMCs. The UN's once abolitionist stance has not been matched by its activities on the ground as PMCs were hired in Somalia and the Democratic Republic of the Congo (among other places) to protect UN officials. There is also increased debate on whether the UN should employ PMCs to assist with its peace-keeping. This is further complicated for humanitarian organizations, as their use of PMCs is arguably bringing humanitarian principles (e.g. neutrality, impartiality and legitimacy) into question. Yet the use of PMCs by these various actors may just be the beginning, as the incidents of violent attacks on aid workers increase, coupled with the widening security gap left by host states unable to provide protection for these workers and organizations. For further information, see Singer, 'Corporate Warriors', 186; I. Murphy, *Private Military Companies, Peacekeeping, and African States: A Critical Analysis of PMCs in Peacekeeping Operations in Africa*, PhD thesis, University of Plymouth, 2010; C. Kinsey, 'Private Security Companies: Agents of Democracy or Simply Mercenaries?', in T. Jäger and G. Kümmel (eds) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects*, Wiesbaden: VS Verlag für Sozialwissenschaften, 2007, 87–104, 103.
 - 15 For further discussion about the nature of African statehood and its relationship to PMCs, see Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa'; and Murphy, *Private Military Companies, Peacekeeping, and African States*.
 - 16 S. Buchner, 'Private Military Companies and Domestic Law in South Africa', in T. Jäger and G. Kümmel (eds) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects*, Wiesbaden: VS Verlag für Sozialwissenschaften, 2007, 395–405, 395–96.
 - 17 G. Arnold, *Mercenaries: The Scourge of the Developing World*, New York: St Martin's Press Inc, 1999, 47.
 - 18 K. O'Brien, 'Military-Advisory Groups and African Security: Privatized Peacekeeping', *International Peacekeeping* 5:3 (Autumn 1998): 78–105, 78.
 - 19 Singer, 'Corporate Warriors', 187.
 - 20 C. Clapham, 'The Challenge to the State in a Globalized World', *Development and Change* 33:5 (2002): 782–86, cited in Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', 13.
 - 21 Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', 13.
 - 22 However, Murphy argues that these factors were not the only nor the primary drivers of PMCs' continued proliferation. Murphy, *Private Military Companies, Peacekeeping, and African States*, 8.

- 23 P. Lock, 'Africa, Military Downsizing and the Growth in the Security Industry', in J. Cilliers and P. Mason (eds) *The Privatization of Security in War-Torn African Societies*, Johannesburg: Institute for Security Studies, 1999, 11–36, 21.
- 24 J. Herbst, 'Responding to State Failure in Africa', *International Security* 21:3 (Winter 1996/7): 120–44, 122.
- 25 The shift towards externalization of state functions has led some to call this process 'recolonization'. See Lock, 'Africa, Military Downsizing and the Growth in the Security Industry', 18; R. Cornwall, 'The Collapse of the African State', in J. Cilliers and P. Mason (eds) *The Privatization of Security in War-Torn African Societies*, Johannesburg: Institute for Security Studies, 1999, 61–80, 76.
- 26 S. Fidler, 'Private Companies on the Frontlines', *Financial Times*, 11 August 2003.
- 27 Leander, 'The Market for Force and Public Security', 610.
- 28 See Zarate, 'The Emergence of a New Dog of War'.
- 29 J. Cockayne, *Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study*, New York: International Peace Academy, 2006, 5.
- 30 Ibid.
- 31 Kinsey, 'Private Security Companies', 117.
- 32 Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', 27–28.
- 33 Ibid., 9.
- 34 Some PMCs have been found to have under-performed their contracts. PMCs may not perform their missions to the fullest and owing to the absence of regulation and international laws to enforce compliance there is no real risk of punishment for PMCs or their employees if they fail to perform their contractual obligations. PMCs have also been found to have contravened UN arm embargoes and been linked to the proliferation of small arms and light weapons. Put simply, it is argued that PMCs profit from conflict, thus it is not in their interests to pursue peace and may even prolong or manufacture violence in order to secure (further) natural resource concessions. See D. Shearer, 'Outsourcing War', *Foreign Policy* (Fall 1998): 68–81; D.J. Francis, 'Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?', *Third World Quarterly* 20:2 (1999): 319–38, 333.
- 35 Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', 15–16.
- 36 M. Binder, 'Norms versus Rationality: Why Democracies Use Private Military Companies in Civil Wars', in T. Jäger and G. Kümmel (eds) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects*, Wiesbaden: VS Verlag für Sozialwissenschaften, 2007, 307–20, 309.
- 37 Baum and McGahan, *Outsourcing War*, 27; Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', 22.
- 38 M.D. Beutel, *Private Military Companies: Their Emergence, Importance, and a Call for Global Regulation*, MA thesis, Norwich University, 2005.
- 39 Singer, 'Corporate Warriors', 208.
- 40 Grofe, 'Human Rights and Private Military Companies', 252.
- 41 A. Vines, 'Mercenaries and Privatization of Security in Africa', in G. Mills and J. Stremlau (eds) *The Privatization of Security in Africa*, Johannesburg: South African Institute of International Affairs Press, 1999, 47–80, 77.
- 42 Francis, 'Mercenary Intervention in Sierra Leone', 329.
- 43 Baum and McGahan, *Outsourcing War*, 34.
- 44 Beutel, *Private Military Companies*, 7.
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- 46 Pech, 'Executive Outcomes', 86.
- 47 Fuchs, 'Searching for Resources, Offering Security', 119–20.
- 48 S. Akcinaroglu and E. Radziszewski, 'Private Military Companies, Opportunities, and Termination of Civil Wars in Africa', ssrn.com/abstract=1832968 (accessed 15 August 2011).

- 49 Francis, 'Mercenary Intervention in Sierra Leone, 319–38, 331; see also Fuchs, 'Searching for Resources, Offering Security', 118–19.
- 50 J.T. Gathii, 'Commercializing War: Private Military and Security Companies, Mercenaries and International Law', *Legal Studies Research Paper Series*, Albany Law School, Union University, 2009, ssrn.com/abstract=1356887 (accessed 15 August 2011).
- 51 Leander, 'The Market for Force and Public Security', 617.
- 52 For further discussion, including details of the subsequent contract with Sandline International, see: Gathii, 'Commercializing War'; T. Jäger and G. Kümmel (eds), *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects*, Wiesbaden: VS Verlag für Sozialwissenschaften, 2007; J. Cilliers and P. Mason (eds), *The Privatization of Security in War-Torn African Societies*, Johannesburg: Institute for Security Studies, 1999; and J.L. Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy*, Boulder, CO: Lynne Rienner, 2001.
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- 54 The UN cost was \$265 million in the first year; this amounted to a total of \$2.7 billion over a 10-year period. D. Whyte, 'Lethal Regulation: State Corporate Crime and the United Kingdom Government's New Mercenaries', *Journal of Law and Society* 30:4 (December 2003): 575–600, 587; Small, 'Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa', 24.
- 55 The provisions regarding EO are set forth in Article 12 of the Abidjan Peace Agreement, an annex to a letter from James Jonah (the permanent representative of Sierra Leone) to the UN, S/1996/103411, December 1996.
- 56 In 1997, Sandline, as a related corporate entity to EO, commenced operations in Sierra Leone and an open channel of communication between EO and the UK government was maintained, with the UK government informed of Sandline's contract to supply \$35 million-worth of ammunition and arms. For a diagram of the corporate relationship between EO, Sandline International, BranchWork, DiamondWorks and LifeGuard Security and its other related entities, see Kinsey, 'Private Security Companies', 117.
- 57 Leander, 'The Market for Force and Public Security', 610.
- 58 Cockayne, *Commercial Security in Humanitarian and Post-Conflict Settings*, ii.
- 59 See B. Chaloka and D. Lilly, *Regulating Private Military Companies: Options for the UK Government*, London: International Alert, 2001.
- 60 For example, the UK had a public consultation on a 'code of conduct' for PMCs, April–July 2009 (the impact assessment is available from: www.fco.gov.uk/resources/en/pdf/4103709/5476465/5550005/pmsc-impact-assessment); and the Swiss Federal Department of Foreign Affairs provided a Global Code of Conduct for Private Security Companies and Private Military Companies for consultation in January–April 2010 (the draft code is available from: www.dcaf.ch/news/index.cfm).
- 61 Gathii, 'Commercializing War', 25.
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- 63 However, in countries where the fabric of society has been torn, particularly with regard to the rule of law, this avenue for regulation is unlikely to result in prosecution and much less to be a deterrent.
- 64 I. Drews, 'Private Military Companies: The New Mercenaries? An International Law Analysis', in T. Jäger and G. Kümmel (eds) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects*, Wiesbaden: VS Verlag für Sozialwissenschaften, 2007, 331–43, 342.
- 65 *Ibid.*, 343.
- 66 Murphy, *Private Military Companies, Peacekeeping, and African States*, 26–27. See also M. Duffield, 'Social Reconstruction and the Radicalization of Development: Aid as a Relation of Global Liberal Governance', *Development and Change* 33:5 (2002): 1049–72.
- 67 *The Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies during Armed Conflict* was a joint initiative between the ICRC and the Swiss government, which reaffirms states' existing legal obligations in relation to PMCs and recommends good practices to implement these legal obligations. To date, there are over 40 state signatories.

Part V

Africa and international partnerships

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Africa and the European Union

An assessment of the Joint Africa-EU Strategy (JAES)

Andrew Sherriff and John Kotsopoulos¹

Introduction

The weight of history is never far from the surface of the relationship between Africa and the European Union (EU). Yet in less than a decade the African Union (AU) and EU have sought to forge new ways of working. Central to this evolution is the Joint Africa-EU Strategy (JAES), a bold attempt at broadening the scope of a relationship that since the immediate post-colonial period focused on development aid and trade.

At the heart of the JAES framework is an enhanced political partnership, a concept once deemed too controversial and Euro-centric for consideration. The JAES places new onus on joint responsibility and ownership, affording both the AU and EU a unique opportunity to address differences and expand the scope of co-operation.

Of course the JAES did not arise in a vacuum. This chapter will examine the roots of the strategy, focusing on the evolution of the central idea of political dialogue, as well as precursors to the JAES. Changing institutional and geopolitical priorities that facilitated the launch of the JAES will also be explored. Finally, the analysis will turn to the JAES itself, its formulation, implementation, accomplishments, and the challenges that must be reconciled if its future relevance is to be secured.

Contextualizing Africa-EU relations

Until the first Africa-EU summit in 2000, multilateral relations between the EU and sub-Saharan Africa were largely conducted through the African, Caribbean and Pacific Group of States (ACP). The relationship was framed by the Lomé Convention (1975–2000) and its successor the Cotonou Agreement, and largely limited to trade and development aid. In the case of North Africa, multilateral relations were conducted via the Euro-Mediterranean Partnership and Barcelona Process.

Initial efforts in the 1980s to add a political dimension to the relationship were arguably less about broadening ties and more about European ideas of encouraging change in Africa. These first efforts had corresponded with European disillusionment about the lack of success of Lomé² and an increasing acceptance of the correlation between development and the concepts of rule of

law, democracy and human rights. Political dialogue, however, was fiercely opposed by the ACP—considered by many of its member states as an infringement of state sovereignty and disparaged as a European-driven agenda to impose conditionality or sanctions on aid and trade benefits.

The ACP's ability to resist became increasingly difficult with the end of the Cold War. Non-democratic regimes in Africa were no longer able to tout their strategic importance in order to retain their Lomé privileges. Inevitably, the renegotiated Lomé conventions of the 1990s contained the first manifestations of political dialogue and the re-ordering of what some had deemed an unhealthy, even 'clientelist' relationship.³ Thus while the Lomé successor Cotonou secured a prolongation of trade and aid privileges, it could not be deemed a framework for a genuine Africa-EU political partnership. The beginning of the Africa-EU summit process in 2000 was to provide the first modest step at redressing this issue.

Cairo summit

The Africa-EU inter-regional relationship was launched with the first ever summit between the two sides in April 2000 in Cairo.⁴ An estimated 40 heads of government from Europe and Africa attended. The Organization of African Unity (OAU) was the African focal point, although non-member Morocco was also allowed to participate.⁵

With the Cotonou Agreement having just been negotiated, the summit carried over many of the residual differences from that process. The OAU pushed for development through trade, debt relief and technological assistance. The EU wanted to enhance political dialogue, pushing the link between development, human rights and democracy.⁶ Predictably, tension ensued. The late Colonel Muammar al-Qaddafi of Libya—in his first major appearance since his then international rehabilitation—said: 'stop looking at us as slaves ... we need water pumps, not democracy.'⁷ The Ghanaian President Jerry Rawlings added: 'give us the keys to the gates of freedom in economic relations. Don't just tell us about good governance.'⁸

The Europeans were also wary that the summit 'should not become a pledging or negotiating forum or duplicate existing fora [such as Cotonou]'.⁹ However, the Africans seized the initiative and successfully pushed the EU to agree to an entire section on debt forgiveness in the summit declaration.¹⁰ The perennial issue of Zimbabwe's President Robert Mugabe also unsettled the two sides. The British government had campaigned against his attendance—a reflection of the bitter relationship between the two countries.¹¹ Yet those calls were not heeded, with the African countries united in their insistence that all OAU members attend.

Despite the altercations, it was at the summit where the first precursor to the JAES was born: the Cairo Declaration, a document addressing debt, trade, development, security and political issues. The broad and general nature of the Declaration was not embraced by all—one European official called it a 'Christmas tree' agreement. A respected Africa-EU scholar considered it more 'symbolic' than substantive.¹² While it signalled an effort at a joint initiative, lingering paternalistic attitudes of Africa as a responsibility of the West remained. At the summit, for instance, the Belgian Foreign Minister and future EU Commissioner for Development Louis Michel proclaimed: 'Africa is also our future. There are 500 million Africans, many of whom live in misery and without hope. There has to be a new sense of responsibility toward what happens there.'¹³ European Council President and Portuguese Prime Minister Antonio Guterres added: 'after this summit Europeans will never be the same, because they know they have to help Africa emerge from poverty and the legacy of colonialism.'¹⁴ By the time of the JAES, years later, the European tone would shift from one based on an image of Africa as a charity case to one of Africa as an opportunity.

Changing institutional and geopolitical context

The years immediately following the Cairo Declaration were characterized by challenges to the Africa–EU relationship on the one hand, and a steady rise in Africa’s international status on the other. Ministerial troika meetings between the EU and Africa commenced as planned, but by 2003 the next scheduled Africa–EU summit had been cancelled. This was the direct result of the ongoing tension between the UK and Zimbabwe.¹⁵ The cancellation of a large summit because of a lingering bilateral issue dealt a blow to the still nascent relationship. The former South African Foreign Minister and current chairperson of the AU Commission Nkosazana Dlamini-Zuma decried EU hypocrisy, saying: ‘you believe we are partners? But you cancel the meeting.’¹⁶

African Union and NEPAD

The rapid changes in Africa’s international standing were precipitated by the establishment of the African Union in 2002 and the separate New Partnership for Africa’s Development (NEPAD) a year earlier. NEPAD’s goals were broadly defined and included the promotion of growth and sustainable development, the eradication of widespread poverty and an end to the marginalization of Africa in the globalization process.¹⁷ This was particularly well received in the West in general and Europe in particular, since it fitted into the ‘Washington Consensus’ of ‘home grown and home owned programmes’.¹⁸ Selected African leaders such as Senegalese President Abdoulaye Wade and Nigerian President Olusegun Obasanjo soon found themselves fixtures at G8 summits, the embodiment of Africa’s gradual renaissance.

The momentum and focus on Africa by the West was reaching unprecedented heights: 2005 was declared the ‘Year of Africa’, the Millennium Development Goals (MDGs) were receiving new funding, the 2005 Organisation for Economic Co-operation and Development (OECD) Paris Declaration strengthened international consensus on aid effectiveness towards Africa, the then G8’s Commission for Africa was introduced at Gleneagles and the United Nations (UN) General Assembly endorsed the decision of the Secretary-General to establish the Office of the Special Advisor on Africa (OSAA), with the ‘responsibilities to coordinate the United Nations support to Africa, guide reporting on Africa and coordinate global advocacy in support of NEPAD’.¹⁹ Perceptions were clearly changing. Belgian Prime Minister Guy Verhofstadt echoed this sentiment when he said ‘there is a political will on the part of the rich [countries] to join in a partnership action with the African continent. Until now, that wasn’t the case.’²⁰ It was inevitable that these changes would have to be reflected in intercontinental relations.

During this period the EU also launched its first major co-operative initiative with the AU: the African Peace Facility (APF). The APF was launched at the request of the AU’s Maputo summit and contained €300 million from the European Development Fund (EDF) to support an African peace and security agenda through ‘targeted support at continental and regional levels in the areas of conflict prevention, management and resolution, and peace building’.²¹

2005 strategy and the genesis of the JAES

Unsurprisingly, there was a growing realization that the Africa–EU relationship had to evolve.²² The EU first responded by drafting the 2005 EU ‘Strategy for Africa’.²³ After the 2000 Cairo Declaration, this was the second precursor to the JAES. However, the strategy elicited complaints about the unilateral nature of its design from AU officials, as well as scathing criticism from European non-governmental organizations (NGOs)²⁴ and the European Parliament.²⁵

The EU Commission had made a belated effort to include the AU Commission at the adoption of the strategy in Brussels in October 2005, going as far as to conduct an extraordinary joint meeting between the two commissions.²⁶ However, by the time the final strategy was presented at the Bamako Africa–EU ministerial troika in December 2005, AU officials had convinced the EU that an alternative was necessary. As stated in the Bamako Declaration, the two sides were now obliged to ‘transform [the strategy] into a joint Africa–EU Strategy’.²⁷ Early talk about a joint strategy coincided with discussion about the long-awaited second Africa–EU summit, which Portugal had indicated it wanted to host during its presidency of the EU in the second half of 2007. The need for a summit deliverable created a strong impetus for the negotiation of a joint strategy.

Importantly—considering the wide historical gap between Europe and Africa on the role of political dialogue—both sides agreed that the strategy be a ‘political document’, designed around a dialogue ‘deeper, more frequent and includ[ing] new areas of common interest’.²⁸ The evolving geopolitical and institutional changes over the decade were finally compelling the two sides to reconsider their priorities and create a new framework for the future.

To be sure, other external factors also contributed to the calculus to embark on a joint strategy. The JAES came about partly as an African and European response to globalization and this geopolitical agenda. Russia, for instance, was becoming an increasingly important actor, particularly in relation to energy. India was also enhancing its links, culminating in the Africa–India Framework for co-operation.²⁹ The USA continued to maintain relations in Africa, and had taken a strategic initiative of its own by establishing a new military command known as AFRICOM.

The largest player of all, however, was the People’s Republic of China. With a massive rise in Chinese trade investment in Africa,³⁰ plus inevitable comparisons by the West between what it saw as China’s more laissez-faire approach to doing business on the continent relative to the Europeans, the EU had a very real competitor in the region. Demonstrating the importance of China to Africa was the attendance of 35 African heads of government at the 2006 Forum on China–Africa Cooperation summit in Beijing.³¹

Negotiating the JAES

From the very beginning, the process of negotiating the JAES signalled a departure from the way in which Europe and Africa had done business in the past. Not only was the concept of a ‘joint’ strategic document unique, but its design was to be unique too. Unlike the slapdash nature of the Cairo Declaration, meetings and consultations would be frequent and embrace an unprecedented variety of stakeholders, including African and European civil society organizations and the European and Pan–African parliaments. There were two phases of negotiation and consultation process: the first phase, until May 2007, resulted in the production of an outline joint strategy document, while the second phase drafted the final version of the strategy and Action Plan that was approved at the Lisbon summit.

In February 2007, the first of a series of official meetings between representatives of the European Community (EC), EU member states, the AU Commission (AUC) and AU member states was held. Subsequent meetings between the two sides alternated between Brussels and Addis Ababa. The European Centre for Development Policy Management (ECDPM), a neutral third-party organization, was also entrusted to facilitate civil society consultations and kick-start the debate between the two sides. There were, however, some complaints from civil society organizations about just how much their consultation and submissions were actually used.

The JAES outline was approved by the Africa–EU ministerial troika in October 2007 before being presented to the Africa–EU summit in Lisbon for adoption in December 2007.

Before its adoption, however, the JAES faced obstacles primarily from AU member states, which were uncomfortable with the broad scope of the document and disappointed with its lack of dedicated and aligned funding (any funding would still come through the European Development Fund or other EU external financial instruments that were not calibrated to the JAES). Interests between the two parties still needed reconciliation, despite general harmony at the EU and AU commission level. Yet there are those who noted that the negotiations of the JAES failed to face down the fundamentals of the weight of history between the two continents, and with that unresolved, that the JAES was built on shaky ground.³²

There were tensions that eventually spilled over to the summit, where the focal point of anger was the issue of the Economic Partnership Agreements (EPAs). The EPAs were highly contentious new World Trade Organization (WTO)-compliant regional free trade agreements, promoted by the EU but viewed with scepticism and resentment by many African countries. The deadline for their signature was coincidentally the end of December 2007, just weeks after the Africa-EU summit. As an ACP-EU issue, the EPAs were not formally part of the summit agenda. However, African member states threatened non-signature of the JAES unless more consultation on the EPAs was forthcoming. To end the impasse, the EU relented and the JAES was signed. The vexing fact that the EPAs continued to be addressed in the EU-ACP forum rather than the EU-Africa forum undermined the latter's utility and relevance in the minds of many.

The JAES

Regardless of the last-minute signing controversy, the JAES was an important milestone: it represented both continuity and a major break with the past. It reconfirmed existing principles of co-operation such as ownership and joint responsibility, respect for human rights, democratic principles and the rule of law, and the need for a people-centred partnership involving non-state actors.

The JAES is made up of five key elements:

- an overarching policy framework;
- various European and African institutions and actors that are party to the strategy, both formally and informally;
- the events and structures set up jointly to manage the relationship (the thematic partnerships being the most prominent of these);
- the joint Action Plan to which the institutions and the members of the eight partnerships have committed themselves, and which is to be reviewed by ministerial troikas every six months; and
- financial resources.³³

It also contains a number of commitments :

- enhanced political dialogue;
- treating Africa as a single entity (Europe had previously fragmented its approach to Africa);
- joint ownership and responsibility;
- involvement of non-state actors;
- addressing common challenges;
- concrete and measurable outcomes in all areas of the partnership;
- enhanced coherence with other policy frameworks;
- strengthening institutional ties;

- shared responsibility of EU and African states in implementing the partnership; and
- appropriate funding.³⁴

The JAES was also meant to complement rather than replace existing policy frameworks for Africa–EU relations. Although somewhat complicated, given the overlapping agendas, these existing frameworks continue to operate concurrently with the JAES. The first of these is of course the ACP–EU Cotonou Agreement. Cotonou differs from the JAES in that it is a legally agreed framework and remains the main vehicle for aid and trade between Europe and sub-Saharan Africa, the Caribbean and Pacific. The second policy process is the Euro–Mediterranean Partnership and Barcelona Process, which since 2008 has been dubbed the Union for the Mediterranean.³⁵ A third Africa–EU policy framework is the separate Trade, Development and Cooperation Agreement (TDCA) with South Africa which was complemented by the formation of a specific EU–South Africa strategic partnership in 2007. The EU and South Africa held their first high-level summit in 2008, with the EU lavishing considerable focus on what it regarded as its primary strategic partner on the continent.

This uneasy relationship of the JAES with other EU frameworks also meant that the JAES did not have a separate dedicated funding instrument. Funding would come from a variety of pre-existing EU external instruments and also with responsibility on the African side as well. Yet the lack of availability of funding to make things happen agreed under the JAES structures was an ongoing source of tension.

Innovations

The innovations of the JAES were numerous. First, it was a jointly agreed strategy between Africa and the European Union as a whole based on the principle of a partnership of equals. Second, it signalled a departure for the EU, in that Africa was to be treated as a single continent for the first time—which was long a request from Africa. Third, it focused on eight thematic partnerships that extended beyond the ‘traditional’ spheres of aid and development. Fourth, these partnerships had specific, jointly agreed Action Plans attached to them (two years in duration). These Action Plans were designed to produce concrete and measurable action, to be taken jointly before the subsequent Africa–EU summits. Fifth, it provided an elaborate architecture that was designed to engage a wide range of African and European stakeholders, including non-state actors, on an ongoing basis in its governance and implementation. Sixth, it was designed to enable Europe and Africa to adopt a common position on certain global issues. Seventh, there was a central role for the African Union and its Commission.

The Action Plan’s eight partnerships spanned the gamut of subjects concerning Africa–EU relations. Some represented areas where the two sides already had a relationship, albeit not framed in this manner, such as in peace and security, trade and regional integration, and the MDGs. Others areas were new, like climate change, energy and science. Interesting in the negotiations for the Action Plan was that the Europeans had proposed migration as a partnership area, but the Africans countered with a proposal that migration should be addressed in relation to the issues of mobility and employment. The remaining partnership, democratic governance and human rights, was innovative in that it called for enhanced dialogue not limited to Africa issues but extending to global ones as well.

Connected to each partnership was an equivalent Joint Expert Group (JEG), with responsibility for implementing Action Plan commitments. An innovative tool, the JEGs were designed to be informal, open-ended bodies, providing a forum where experts could discuss the implementation and financing of priority actions. Consisting of African, European and international

actors as well as the intention of involving civil society, each group enjoyed wide autonomy with respect to work arrangements, frequency of meetings and timelines. At the same time concerns have arisen about the long-term purpose of the JEGs, with some African countries seeking assurances that the development co-operation of the Cotonou Agreement would not be undermined. In addition, the ability of the JEGs, the membership of which was made up of officials, actually to carry out or even prepare genuine political dialogue on contentious issues was limited.

A commitment to regularizing EU and AU Commission College-to-College (C2C) meetings was another consequence of the JAES. The C2C meetings were meant to direct and develop the Africa-EU political agenda, strengthen political and technical co-operation between the executives of the two organizations and monitor implementation of the JAES. Other than in 2009, when the EU Commission College had changed, an annual meeting has been regularly held.

Africa-EU ministerial troika meetings have continued since established at the Cairo summit. The biannual meetings have been attached to the JAES implementation process, including political dialogue. Once relegated to Africa-EU issues, more recent meetings have included broader discussions, such as about the international financial crisis, yet these forums have tended to focus on the most topical crisis peace and security issues rather than a more substantive political dialogue.

Furthermore, the EU has established a more visible presence in Addis Ababa, home of the African Union headquarters. This includes the presence of an EU special representative to the AU and an enlarged EU diplomatic team. The AU also has an embassy in Brussels with an ambassador accredited to the EU.

Finally, the commitment to regular head of government summits at three-year intervals was strengthened by the JAES. In 2010 Tripoli hosted the third Africa-EU summit.

Challenges

The JAES parties committed themselves to a result-oriented approach. However, measuring the performance of the JAES was bound to be a challenging exercise, considering its innovative nature, the diversity of stakeholders' expectations (53 countries in Africa and 27 in Europe plus the two commissions, as well as a host of regional economic community—RECs, civil society, regional banks, the European and Pan-African parliaments, and other representatives), attribution problems as well as the lack of a clear and jointly agreed methodology to measure performance.

An October 2009 Joint Task Force Assessment Report recognized several challenges in each of the thematic partnerships. Among the frequently mentioned phrases were: 'insufficient communication'; 'inadequate financial and human resources' (on the African side); 'delays in the preparation of consolidated African positions'; 'the lack of broad ownership by stakeholders'; the lack of a 'dedicated implementation process'; and limited involvement of 'Member States (both African and European), civil society and the private sector'.³⁶

In the view of the Joint Task Force 'mixed results' have been achieved with regard to the institutional architecture and working methods of the JAES. Much effort has been exerted to put in place the necessary co-ordination and monitoring bodies within the two commissions, at council level (mainly on the EU side) and with other stakeholders (parliaments, non-state actors). However, the report recognized important institutional bottlenecks such as the limitations of the troika format (as the main body for political guidance); the less-than-optimal levels of ownership and involvement of key players such as member states and the African RECs; and the insufficient link between the (technical) expert work of the JEGs with (political) decision-making processes.

The perennial issue of political dialogue also remains problematic, even with the innovations of the JAES. An ECDPM appraisal of the JAES noted that there was 'a lack of a solid political analysis of the interests at stake' in the Joint Strategy, particularly with respect to sensitive partnerships.³⁷ For example, the Trade, Regional Integration and Infrastructure Partnership reported extensively on meetings, programmes and specific activities but failed to mention the existing difficulties and tensions between both parties around the EPAs. Likewise, the Partnership on Climate Change touted a 2008 Joint Declaration as a 'major political achievement' but said nothing about the North–South cleavages that so visibly manifested themselves at the subsequent UN Climate Change Conference in Copenhagen.³⁸

The big risk thus remains of a gradual dilution of the political substance of the policy framework. This contrasts to the original motivation—and added value—of the JAES: to be a political document and for the tools with which it was equipped to be the means through which to mediate political differences and transform Africa–EU relations. It is reflected in the fact that the JAES finds it difficult politically to uplift the partnership 'beyond Africa', 'beyond co-operation' and 'beyond institutions'.³⁹

Other challenges including the tenuous commitment to 'treat Africa as one'. Fragmentation in Africa–EU relations has arguably increased with the creation of the Union for the Mediterranean and with the potential division of portfolios between the new European Commission and European External Action Service.⁴⁰ The European External Action Service itself and its leadership also seem to have a weakened ownership of the JAES, preferring to chart a less institutionally framed course for EU–Africa relations. On the African side, as well, actors have failed to speak in one voice on the issue, or have used existing dialogue mechanisms to agree on a common African position on potentially divisive topics.⁴¹

If the 2010 EU–Africa summit held in Tripoli was to address these challenges, the outcomes were disappointing. Fewer African heads of state attended than the France–Africa summit held a year earlier. President Jacob Zuma of South Africa openly expressed his concern, laying the blame on both Europeans and Africans, noting 'that after ten years of this partnership we have very little to show in terms of tangible implementation of the undertaking we made in both Cairo and Lisbon'.⁴² He cautioned the summit against committing to another action plan when commitments made in the past in this partnership were not implemented. In addition on the 'big geopolitical issues' such as how the EU and Africa responded to the Arab Spring in 2011, the JAES framework was largely ignored and bypassed by both continents.

The controversial question of a separate pan-African financial instrument to provide much-needed funds to make things happen has lingered for years. Interestingly, the EU's Development Cooperation Instrument (DCI) is set to be modified in 2013 to include a special pan-African programme in line with the JAES.⁴³ Some see this as yet another indication of the decline of the ACP–EU format and the longer-term rise of EU–Africa relations.

Conclusion and future

These challenges and issues considered, what is the future for the Joint Strategy? There are several areas that will determine the longevity and continued relevance of the JAES.

First, how to reconcile between political processes and projects? The political vision of the JAES is couched in language with strong 'process' connotations. There is much talk about constructing a new partnership, defining common agendas, supporting the pan-African architecture, building coherence, etc. These are all, by nature, process outcomes to be achieved over a longer period of time. While the concern for tangible outcomes is perfectly legitimate, the parties still need to find a way to reconcile the search for short-term results with the inherently political and long-term objectives of the JAES.

Second, are both parties open for a real change in the ‘culture’ of co-operation? The JAES goals are to move from the previous Africa–EU relationship based on donor–recipient roles into a modern partnership geared to managing and reconciling common interests and global challenges. This means addressing a wide range of new issues ‘beyond aid’ that are not historically a part of the regular Africa–EU policy dialogue conducted by these institutions. The entire JAES approach therefore profoundly challenges existing norms and ways of working of institutions in Africa and Europe that have been established over decades. To what extent have European and African officials been empowered to work creatively or differently on Africa–EU relations? Has there been sufficient political leadership to drive the required institutional change process? Have the necessary incentives been put in place gradually to transform traditional behaviour, adapt mindsets, rethink dialogue approaches, adjust working methods and develop new institutional arrangements? What has been done to bring non–traditional development actors ‘on board’?

Third, how are geopolitics on the continents and in and between African and European states going to affect this relationship? The JAES does not exist in a geopolitical vacuum and Africa has other suitors than the EU, while the EU itself has often seen its immediate neighbourhood as its priority rather than Africa as a whole, particularly as the EU members now have fewer historical ties with Africa. Developments on both continents will inevitably also shape the relationship between them.

Finally, how can the difference in capacities between the two partner organizations be considered going into the future? The African Union, with its expanded mandate to promote pan–African integration agendas, was launched in 2002. Inevitably, there is still a way to go before the new continental structures, processes and capacities are in place and working. In addition, in many African countries bureaucracies do not have the same resources at their disposal as do EU member states. In the case of some African countries, commitment to the AU is more tenuous, particularly when it comes to issues of national sovereignty and especially in comparison to the EU and its member states. Will the JAES be nimble enough to account for these differences without the risk of the relationship perpetuating or solidifying asymmetries? In Europe similar questions can be asked about whether EU member states are willing to bend to the more collective logic of the JAES and whether the new European External Action Service really is going to champion the framework. Will African and European member states and the EU and AU choose to deal with the difficult political issues inside or outside of the JAES framework?

That the JAES had, as of 2012, failed to transform EU–Africa relations along the lines of its stated goals of a partnership of equals going beyond institutions is perhaps no surprise. The JAES, however, is a framework that represents a significant change in the dynamic between Africa and the EU, particularly when compared to the modest Cairo Declaration of 2000 or the more explicitly asymmetric relationship that exists between the ACP and the EU. Therefore, it is a step on the long and difficult path to the normalizing of relations between the continents rather than a great leap forward.

Notes

- 1 This chapter partially draws on work previously completed by the European Centre for Development Policy Management (ECDPM) on related topics, yet represents the personal views of the authors.
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- 17 Available from www.africa-union.org/root/au/auc/specialprograms/nepad/nepad.htm (accessed 29 April 2012).
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- 19 United Nations General Assembly, *Strengthening of the United Nations: An Agenda for Further Change*, 9 September 2002, 23.
- 20 Harsch, ‘New African Initiative Stirs Cautious Hope’.
- 21 Available from ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm (accessed 29 April 2012).
- 22 Interview, former EU Commission official, June 2010; interview, AU official, October 2010.
- 23 The Strategy called for a ‘three-pronged’ approach, seeking to: (1) strengthen the EU support in priority areas such as peace and security, governance, economic growth; (2) increase EU financing; and (3) improving EU effectiveness, such as aid co-ordination. See European Commission, *EU Strategy for Africa: Towards a Euro–African Pact to Accelerate Africa’s Development*, Brussels, COM(2005) 489 final, 12 October 2005.
- 24 See APRODEV, *On the Way to a Joint EU–Africa Strategy*, January 2007.
- 25 See European Parliament, *Report on the State of Play of EU–Africa Relations*, A6–0375/2007, 10 October 2007.
- 26 European Commission, *European Commission Adopts ‘European Union Strategy for Africa’*, Brussels, IP/05/1260, 12 October 2005.
- 27 Council of the European Union, *EU–Africa Ministerial Meeting: Final Communiqué*, Bamako, 15389/05, 2 December 2005, 3.
- 28 Council of the European Union, *EU–Africa Ministerial Meeting: Final Communiqué*, 4.
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- 40 It is currently unclear what type of split of geographic responsibilities for Africa (if any) there will be between the European External Action Service and the European Commission, both of which have pan-African-focused units.
- 41 There is no shortage of potentially conflicting agendas on the African side. For instance, northern African states may be attracted to the special benefits offered by the European Neighbourhood Policy (ENP) and this may prove a more powerful incentive than vaguely defined pan-African agendas. African states and regions may theoretically support the idea of a pan-African envelope, but may at the same time be afraid that this will jeopardize their interests (and part of the overall EU/EC aid budget).
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Africa's continental and regional integration

An assessment of EU-EAC trade relations

Doreen Alusa and Kenneth Omeje

Introduction

In 2002, the European Union (EU) announced that it had reviewed its trade relations with the African, Caribbean and Pacific (ACP) regions and had decided to constitute a new set of free trade agreements with these countries through a fresh round of negotiations. According to the EU, the trade negotiations, dubbed Economic Partnership Agreements (EPAs), have been designed to address concerns by the World Trade Organization (WTO) that previous trade agreements between the EU and selected developing states violated the WTO's fundamental principles of reciprocity and non-discrimination in international trade relations. These principles are contained in Article 1 of the General Agreement on Tariffs and Trade (GATT), which partly states that 'any advantage, favor, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties'.¹

Based on the provision above, the WTO stipulates that trade relations between all its members are supposed to be guided by the most favoured nation (MFN) clause which compels its members to treat all their trading partners equally, notwithstanding the varying levels of diplomatic ties between the states.² Contrary to the MFN clause, between 1965 and 2007 Europe's trade relations with developing countries from the ACP group were governed by a series of five-year agreements that set up frameworks through which the latter had preferential export access to the European market. These arrangements were formulated on the basis of liberal economic theories which postulate that trade can be used as a catalyst for development and a weapon against poverty, especially for developing countries in Africa. In spite of the 42 years of 'special trade opportunities' awarded to the ACP group, the poorest countries, a majority of which are on the African continent, did not record any significant improvements in their development or poverty eradication indices. In fact, development trends in other parts of the world stand in stark contrast to the impoverishment and economic marginalization of African states, an indication that liberalized trade has not yielded the expected results.³ Despite the disappointing outcomes of trade liberalization on the continent, the proposed trade agreements, EPAs, are designed to liberalize further Africa's economic arena. For this reason, the EPA

negotiation process has elicited highly polarized views on the impact that the agreements will have on the economies of African states. While a majority of analysts believe that EPAs are an imposition that will have long-term detrimental effects on the economic development of African states, many argue that the continent has little choice but to conform.⁴ In the midst of the debates and controversies the East African Community (EAC) became the first region, in Africa, to sign an interim EPA with the EU. This chapter explores the historical trade relations between the EAC and the EU, and argues that the unbalanced power relations that characterized the relationship between the two regions in the past need not contribute to the enfeeblement of the EAC in international trade relations in the future.

The pre-EPAs

The forging of post-colonial economic ties between Europe and Africa can be traced back to the Treaty of Rome, which established the European Economic Community (EEC) in 1957. During the negotiations that led to the signing of the Treaty, France proposed the inclusion of the geopolitical concept of 'Eurafrika', the key objective of which was to bind Africa to Western Europe. Subsequently, the Treaty of Rome contained provisions that offered African colonies associational status as Overseas Countries and Territories. Through Article 131 of the Treaty, the EEC member states declared that they had agreed to '... associate with the Community the non-European countries and territories which have special relations with Belgium, France, Italy, the Netherlands and the United Kingdom'.⁵

The Treaty further stated that:

The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole. In accordance with the principles set out in the Preamble to this Treaty, association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.⁶

Based on these provisions, two pillars, aid and trade, were established as the foundations for Europe's relations with its former African colonies. Financial aid to Africa was disbursed through the European Development Fund for Overseas Countries and Territories (EDF).⁷ In addition to the EDF, the EEC made provisions for non-reciprocal access to its market for all goods except those covered by the Common Agricultural Policy through a series of successive trade agreements.⁸ It is important to note that although aid was fronted, especially during the initial years, as a strategy that would enable African states to develop, there was consensus that free trade would, primarily, be used as a catalyst for development and a policy for long-term engagement.

The decision to use free trade as the preferred mechanism for Europe-Africa relations has been driven by the West's fixation on African liberalization as well as Europe's strategic attempts to dominate the international economic system. The creation of liberalized economic systems has been endorsed and is often aggressively pursued as an international policy agenda for African states by international institutions created by the West and in charge of international trade and finance, such as the International Monetary Fund (IMF), the World Bank, the WTO and the Organisation for Economic Co-operation and Development (OECD). The policies of these organizations are theoretically founded on neo-classical economic presumptions which are an offshoot of David Ricardo's theory of comparative advantage.⁹ Ricardo formulated his theory, in 1815, as an economic model that would ensure that England remained prosperous in the

wake of competition from other industrializing states in Europe. He underpinned his theory by using a hypothetical example of the production of cloth and wine in England and Portugal.¹⁰ In his example, Ricardo compared the cost of disadvantage of production under autarky and free trade for both states. He noted that under autarky, Portugal's cost of disadvantage of production was lower than that of England for both cloth and wine. However, under free trade, the costs of disadvantage could be lowered in both states, and the production volumes could also be increased for each good if England specialized in the production of cloth while Portugal produced wine. It therefore made economic sense for the countries to embrace free trade, as they would both benefit from it.¹¹

In its modern form, components of Ricardo's theory are associated with neo-classical economic theorists, including Heckscher, Ohlin, Stolper and Samuelson.¹² Within the context of the development agenda of poor states, these theorists argue that as a result of competition, economic liberalization facilitates higher economic growth and development by enabling developing countries to identify and achieve their comparative advantages. This is done when countries specialize in the production of goods and services that give them a niche in the international market. Through specialization, economic liberalists envision a world where African countries are devoid of poverty and relate on an equal basis with developed states because of an interdependent, borderless global economy.¹³

It is on these liberal assumptions that the four generations of free trade agreements between Europe and East Africa have been structured, namely the Arusha Convention, the four Lomé Conventions, the Cotonou Convention and the EPA. Although the onset of free trade agreements on the continent commenced with the First Yaoundé Convention in 1964, it was not until 1969 that the three EAC states, Kenya, Uganda and Tanzania, entered into a formal free trade agreement with the EEC. The Arusha Convention, as it was subsequently known, came into force on 1 January 1971. While the agreement suspended quantitative restrictions and customs duties on imports from the EAC, it excluded cloves, coffee and canned pineapples which were among the region's key export earners. In return, the region was compelled to remove tariffs and quotas for 58 products from the EEC except where industrialization, government revenue or balance-of-payment requirements dictated otherwise.¹⁴ As the five-year Arusha agreement came to a close in 1974, not only did the EAC states record unimpressive estimates of economic growth but it appeared unlikely that the equity and prosperity promised under free trade would be achieved. While non-economic factors such as political upheaval and insecurity in Uganda and socialist inclinations in Tanzania may have been partially responsible for the disappointing growth rates in the two countries, the stable economic hegemon of the region, Kenya, did not fare any better than its counterparts.

Despite the disappointing outcomes of trade liberalization in the EAC, the terms of trade arrived at under the Arusha Convention were extended through the Lomé Conventions. The First Lomé Convention was essentially a bid to widen Europe's relationship with former African and Caribbean British colonies which entered into the agreement in 1975.¹⁵ For East African states, it differed slightly from the Arusha Convention in two key ways. First, it provided greater access to the European market by extending duty-free access and eliminating quota restrictions on a non-reciprocal basis to all EAC countries. Second, it included an export earning scheme known as the Stabilization of Export Receipts on Agricultural Products (STABEX).¹⁶ Through the STABEX, EAC countries qualified for funds that could be used to offset losses on various agricultural products such as cocoa, coffee, groundnuts, tea and others, as a result of crop failures and price falls. In 1981, a new agreement, Lomé II, came into force. The agreement varied slightly from Lomé I by including another compensation scheme known as the System of Stabilization of Export Earnings from Mining Products (SYSMIN).¹⁷ This scheme was designed to

provide loans, during times of crisis, to countries that were heavily dependent on mining. Lomé II was extended through Lomé III, which had similar terms of reference and came into force in 1985.¹⁸

Although the three Lomé agreements appeared to increase trading opportunities for the East African states, the countries continued to be ranked among the most underdeveloped economies in the world, in all years, from 1975 when Lomé I came into force, to 1990 when Lomé III was concluded. Indeed, a survey of the United Nations Conference on Trade and Development (UNCTAD) records reveals that the economies of all the states in East Africa have continuously recorded high trade deficits.¹⁹ The persistent deficits of these economies is an indication that after 20 years of preferential access to the European market, the region's economies had not achieved development or any form of comparative advantage as claimed by institutions that propound free trade and neo-classical economic theorists.

The lethargic performance of the economies of African states led to policy debates in the 1980s. These debates coincided with a shift in relations between the Soviet-led East and the US-led West, as well as negotiations for the Lomé IV Convention. It is during this time that Mikhail Gorbachev embarked on a 'new' foreign policy direction that was aimed at re-establishing good relations with the West. Gorbachev withdrew Soviet forces from Afghanistan and stated that Moscow would no longer use the Red Army to support communist governments in Eastern Europe. Most significantly, Gorbachev's policies of *glasnost* (openness) and *perestroika* (economic reform) endorsed political and economic liberalism.²⁰

Unsurprisingly, the developments in international relations were reflected in Lomé IV and later on in the Cotonou Agreement. While Lomé IV supported the liberal structural adjustment process prescribed by the Bretton Woods institutions, its successor, the Cotonou Agreement, signed on 23 June 2000,²¹ reinforced the liberal agenda and included political factors such as human rights, socio-economic rights, political dialogue, democratic principles, the rule of law and good governance, all of which were tied to trade and aid-related conditionalities. It was argued that the new approach was developed based on the realization that underdevelopment in African states was as a result of endogenous factors endemic in the continent rather than exogenous factors in the international trading system. The conditionalities were therefore geared towards the elimination of vices such as corruption, debt and the abuse of human rights. Indeed, the East African political landscape was suffering from these vices during this time. Kenya was a pariah state struggling to join the league of newly formed African democratic states, while Uganda and Tanzania were trying to improve their standards of living through debt-cancellation initiatives.

Nevertheless, issues related to the region's economic demise cannot solely be attributed to endogenous factors. In fact, the liberal consensus on the positive relationship between free trade and development has been disputed. The widespread claim, among economists, that European countries have adhered to economic liberalism and free trade as a strategy for economic growth is not true. It is worth noting that since the 1700s, European states have deliberately enforced protectionist policies through the use of subsidies as well as tariffs and non-tariff barriers in a bid to develop their manufacturing industries and buffer their producers from external competition. For instance, the English government prohibited the importation of cotton from India in 1700. Furthermore, as Ricardo wrote his pamphlet on the merits of comparative advantage through free trade, in 1815 the British parliament passed the Corn Laws which restricted the importation of corn.²² As a trading bloc, Europe has consistently used stringent Sanitary and Phyto-sanitary (SPS) measures to regulate the movement of commodities that are deemed dangerous to public health and the environment. These 'protective measures' are sometimes used as non-tariff trade barriers. For instance, in 2007 the EU raised concerns about the carbon emissions that were

being produced by transporting horticultural produce from East Africa, among other African countries, to Europe. Despite the negligible carbon emissions from East Africa compared to Europe, there were suggestions that the volume of air-freighted commodities from the region should be halved in line with SPS measures.²³

The flaws of economic liberalism in developing states, especially in Africa, have also been noted by Francisco Rodríguez and Dani Rodrik.²⁴ They argue that studies that show a strong positive correlation between external openness and economic growth in developing countries are based on flawed methodological and empirical choices. According to the authors, these studies do not factor in the negative impact that trade liberalization has on the budgetary incomes of African states. This is because budgetary income is largely dependent on customs revenues accrued from import duties. In the case of East Africa, this revenue makes up no less than 30% of the total income for each state. From this point of view, trade liberalization that primarily involves the removal of tariffs results in a lower budgetary income. A lower budgetary income affects development by causing macro-economic imbalances, such as poor health care and high illiteracy rates, because the government has insufficient funds for social services. The declining standards of living and the failure of economic development in East Africa cannot, therefore, be eschewed from the effects of trade liberalization.

Furthermore, the changes instituted through these agreements entrenched the region's dependence on the export of basic raw materials and made its economies highly susceptible to the vicissitudes of externally determined prices and volume movements. One of the consequences of preferences is that recipient countries tend to concentrate all their resources in the production of commodities that have been approved for preferential treatment. Consequently, resources that should be used to develop the industrial base of the developing countries are diverted to activities that fundamentally serve the interests of European states.²⁵ Ironically, the recipient states do not reap the full benefits of their investments because their produce is susceptible to stringent SPS measures that make them unacceptable in the European market.

The EU's new trade strategy

On 27 September 2002, the EU and ACP countries commenced the ongoing negotiations on EPAs. The EU's decision to redesign its trade relations with developing countries is based on two key objectives. First, EPAs are an attempt to comply with the WTO's trade rules on reciprocity and non-discrimination. The move towards compliance with WTO rules was evoked in 1995, when the USA petitioned the WTO to investigate whether the Lomé IV Convention was in violation of the organization's rules. The WTO's Dispute Settlement Body ruled in favour of the USA, stating that the EU had to amend its trade agreements with the ACP countries. The amendments were first instituted through the Cotonou Agreement, which laid the foundations for EPAs and incremental compliance with Article I of the GATT. Second, the EPAs are designed to protect the EU's long-term economic interests in a globalized environment where there are emerging centres of power and influence such as the People's Republic of China and India that are trying to secure energy sources and raw materials from Africa as well as markets on the continent.

In its quest to comply with the WTO rules and secure its economic interests, the EU has pledged to enhance its competitiveness and achieve its objectives as outlined in the Lisbon Strategy. The Strategy places emphasis on the pursuit of full liberalization that will not only eliminate tariff barriers for European goods but will also enable European investors to access public procurement markets and protect the intellectual property rights and patents of its investors. The revamped liberal policies of the EU have been reiterated by the then Trade

Commissioner Peter Mandelson, who states that ‘if our economy’s strength is built on trade, then our prosperity is directly linked to the openness of the markets we try to sell to’.²⁶

The EU is also adamant that its economic liberalization strategies are supposed to entrench good practices in Africa, such as transparency in procurement procedures that will gradually create a conducive environment for economic growth and prosperity. However, it fails to distinguish the difference between transparency and market access for European investors. In addition to this, the EU’s economic liberalization strategies do not take into consideration the unequal economic structures as well as the different levels of development between the EU and African states. Given these differences, the EPAs place the interests of foreign investors above those of infant industries on the continent. The transparency clauses contained in EPAs will make it unacceptable for the continent to give any special considerations, such as special interest rates on loans, to its local companies, small businesses or farmers. In addition to this, the intellectual property rights as well as patent rights will place plant breeders’ rights above farmers’ rights.²⁷

The EAC EPA

Despite the disappointing outcomes of trade liberalization on the continent and the controversies surrounding the effects that EPAs will have on African economies, the five EAC members—Kenya, Uganda, Tanzania, Rwanda and Burundi—became the first countries in Africa to sign collectively an interim EPA with the EU. The interim EPA was instituted as a bridge that would guide trade relations between the EU and the EAC pending the conclusion of full EPAs. The terms of the interim framework cover trade in goods and fisheries as the EU and the EAC proceed with negotiations on services, investment, rules of origin, SPS, technical barriers to trade (TBT), customs and trade facilitation, and other trade-related rules that will be contained in the EPAs.

The EPA is scheduled to occur in three phases. The first phase, which was implemented in 2010, included 65.4% of EAC imports from the EU that do not attract any import taxes in the EAC. These imports include raw materials and capital goods. The second phase, scheduled to take place between 2015 and 2023, will involve the liberalization of a further 14.6% of the EAC market. The products that will be included in this phase are intermediate inputs that currently attract a customs duty of 10%. The third phase will be between 2020 and 2033, when the EAC partner states will liberalize a further 2.6% of their imports from the EU. By the end of the third phase, 82% of the EU’s commodities will have tariff-free access into the EAC market. Whereas this may provide consumers in the EAC with a greater variety of goods at lower cost, there have been concerns that it will threaten the growth of manufacturing industries across the region.²⁸ Two other key areas of concern are that:

- there is no commitment from the EU regarding the elimination of its agricultural subsidies; and
- Article 19 (7) on anti-dumping and countervailing issues is ambiguous.²⁹

The two concerns are intertwined because the EU produces surplus agricultural commodities as a result of its subsidies and then proceeds to dump them on the world market.³⁰ This distorts prices and undermines farmers from developing states.

The proposed EAC EPA in its current form is an imposition that may have long-term detrimental effects on the economic development of the region; however, the EAC states do not have to conform to the diktats of the EU. In 2010, *The Economist* noted that the African continent was slowly metamorphosing from a region bogged down in famine, poverty and war in

the 20th century, to an entrepreneurship haven in the 21st century. In the case of East Africa, it has been predicted that the enlarged EAC comprising Kenya, Uganda, Tanzania, Rwanda, Burundi and, possibly, South Sudan, may soon match Japan in the ease of doing business when the region's regulations and procedures are implemented across East Africa.³¹ Furthermore, the region is diversifying its production capabilities beyond the horticultural sector to the energy sector through the supply of oil from Uganda and, possibly, South Sudan as well as the supply of ethanol for green energy from Kenya and Tanzania. Considering the trade potential of the East African region and the opportunities in international trade, being availed by the entrance of new actors such as China and India as well as the untapped opportunities of intra-African trade, the region should look beyond its traditional trading partners, such as the EU.

Conclusion

Since independence, trade relations between European and East African states have always 'been defined and oriented by the dominant international and geopolitical agendas of the day'. During the Cold War era, the free trade agreements between the two regions were carefully designed to ward off socialist influences through the use of incentives such as STABEX. The end of the Cold War led to a dramatic shift in trade relations and the pursuit, by the EU, of a more aggressive form of economic liberalism in the region. Currently, the region is embroiled in controversial negotiations that might result in the full liberalization of the EAC market. Although, this may provide consumers in the EAC with a greater variety of goods at lower costs, the disappointing effects of trade liberalization in the region, as demonstrated by over 40 years of East Africa's trade relations with Europe, are an indication that free trade has not worked for the region. In light of this, the region's policy makers should look beyond its traditional trading partners, such as the EU, and cultivate or revive relations with emerging actors such as China and India. In addition to this, the gains that can be accrued from intra-African trade should be fully exploited.

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The European Union promoting human rights and democracy in Africa

Lorenzo Fioramonti

Introduction

Among the principles inspiring the European Union (EU) we find the Universal Declaration of Human Rights (1948) and the following UN Covenants on civil, political and economic rights (1966). Moreover, human rights and democracy (HR&D) are at the core of the European integration process (which was built over the ashes of war and genocide) and its long-term aspirations. Invariably, therefore, the foundational recognition of these two principles also reverberates in the EU's foreign policy and external relations.

In international relations, especially in the African context, HR&D have long been defended and promoted as a value in their own right. Moreover, the evolution of global politics has increasingly shown that the abuse of human rights and democratic principles can also become 'international security' issues and threaten the stability of the international system. For instance, transnational terrorism can be fuelled by HR&D violations. Migration flows are exacerbated by the outflow of refugees fleeing abusive governments and undemocratic regimes. Failed states incapable of defending their own citizens can easily trigger civil wars and destabilize entire regions, with spill-over effects onto the global arena.

This chapter provides an overview of the EU-Africa relationship in the field of HR&D promotion, against the backdrop of historical ties and recent transformations, which also include the growing role played by new global actors such as the People's Republic of China and the other 'emerging powers'.

Human rights and democracy in the international relations context

In Africa, just like in most of the world, the promotion of HR&D has become a cornerstone of regional co-operation processes.¹ All regional economic communities as well as the African Union (AU) are founded on these principles and new policy instruments, such as the African Peer Review Mechanism (APRM), which subjects African countries to a regular review of their democratic governance, attest to the growing commitment of many African governments to international scrutiny and common standards.

According to the 2007 Africa-EU joint strategy:

Africa and Europe are bound together by history, culture, geography, a common future, as well as by a community of values: the respect for human rights, freedom, equality, solidarity, justice, the rule of law and democracy.²

Notwithstanding their current commitment to HR&D, the traditional relationship between Europe and Africa has been marked primarily by abuse and exploitation.³ Until the end of the Second World War it was the epoch of subjugation, subservience and dependence, characterized by European unilateralism and dominance. After the war, the epoch of post-colonialism commenced, introducing a new pattern of interstate relationships between newly independent African states and European states. This phase was characterized by a mood of ostensible liberal benevolence on the part of Europe, although exploitation and dominance, more subtle now, occasionally referred to as 'neo-colonialism', continued.

During the Cold War, the relations between the two continents were developed primarily to suit the interests of the former metropolitan powers, trying to convert their ex-colonies into client states and allies. Some African dictators skilfully exploited their new independent status and maintained (or even strengthened) their grip on power thanks to the tacit support of European countries.

In the past 20 years, though, the social and political evolution of both continents has allowed for a profound reorganization of bilateral relations, with HR&D assuming greater importance alongside trade, investment and economic co-operation. This does not mean, however, that there is an exact confluence between African and European interests. While the EU looks for global and regional partners to support and enhance its mission and quest for greater relevance, Africa is more interested in reliable development and trading partners, as well as diplomatic support for the causes pursued by itself and the rest of the 'global South'. Where their interests do meet is in the realization that the stability, security and the eradication of poverty in the African region affect both. Therefore, while the relationship continues essentially to be an asymmetrical one, it is necessitated by mutual dependence with advantages to both sides.

Human rights and democracy in the EU-Africa relationship

The founding principles for the EU's international action derive from the Universal Declaration of Human Rights ratified by the United Nations (UN) in 1948 and its following Covenants of 1966, which established that the rights of individuals can be above those set by their national authorities.⁴

HR&D are also at the core of the European integration process and its long-term aspirations. All member states are constitutional democracies and share a set of common values based on the primacy of human rights. Article 2 of the consolidated version of the Treaty on the European Union (TEU), as amended by the so-called Lisbon Treaty, establishes the founding values of the EU:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.⁵

HR&D are also the cornerstones of the so-called Copenhagen criteria, the set of criteria that define whether a country is eligible to join the EU. Building on Article 49 of the TEU, which establishes that any country seeking membership of the EU must conform to its fundamental values, the Copenhagen European Council in 1993 (and, in 1995, the Madrid European

Council) also established that for the EU to take into consideration a potential membership, the candidate country must possess stable institutions guaranteeing, among others, human rights and democracy.

Invariably, the foundational recognition of HR&D also reverberates in the EU's foreign policy and external relations, where they have become cross-cutting elements permeating all economic relations, trade agreements and special partnerships with other countries.⁶ Consequently, the objective of promoting HR&D is also extended to development policies and all other forms of co-operation with third countries in accordance with Article 177 of the consolidated version of the Treaty establishing the European Community (TEC), which affirms that EU development policy 'shall contribute to the general objective of developing and consolidating democracy and the rule of law and ... respecting human rights and fundamental freedoms'.⁷

According to the 2001 Commission's communication on *The European Union's Role in Promoting Human Rights and Democracy in Third Countries*, the EU is well placed in the protection of HR&D at the international level:

Uniquely amongst international actors, all fifteen Member States of the Union are democracies espousing the same Treaty-based principles in their internal and external policies. This gives the EU substantial political and moral weight. Furthermore, as an economic and political player with global diplomatic reach, and with a substantial budget for external assistance, the EU has both influence and leverage, which it can deploy on behalf of democratisation and human rights.⁸

Political conditionality—that is, the inclusion of a number of clauses for the respect of HR&D in the trade and partnership agreements signed by the EU with third countries—is the connecting element between communitarian policies (e.g. development aid) and inter-governmental decisions (e.g. sanctions). When these conditions are not respected (for instance, human rights are abused in a partner country), the EU can unilaterally decide to close the tap of development aid, suspend trade relations and, through the Common Foreign Security Policy (CFSP), even impose sanctions and embargoes.⁹ Moreover, since 1992, the EU's practice has been to include a number of clauses concerning 'essential elements' in all agreements with third countries with a view also to promoting the ratification of international human rights conventions and, through an institutionalized procedure of political dialogue, preventing the escalation of political crises.

In the African context, the EU has made use of human rights-related sanctions in a number of countries, including South Africa (1984–94), Libya (1986–92, 1999–2004, 2011–), Zaire/Democratic Republic of the Congo (DRC, 1993–2003, 2010–), Nigeria (1993–99), Sudan (1994–), Ethiopia (1999–2000), Liberia (2008–), Eritrea (2010–), Zimbabwe (2002–), Côte d'Ivoire (2010–), Guinea (2010–), Somalia (2010–) and Egypt (2011–).

In some cases, such as South Africa, these restrictive measures (the term is used interchangeably with sanctions in the EU jargon) have been rather wide-ranging, including arms embargoes, the breakdown of diplomatic and cultural relations as well as the suspension of financial exchanges in a number of fields. In most cases, though, the EU has preferred adopting so-called 'targeted sanctions' directed exclusively at governmental figures, security forces and other key individuals in order to avoid impacting on the local population, which is often the real casualty of economic sanctions. In general, targeted sanctions have included travel bans against political leaders, freezing of their personal assets in European banks and other restrictive measures against their families.

Assessing the facts against the rhetoric, the academic literature has often pointed out inconsistencies and double standards in the EU's actual policies for the promotion of HR&D, especially in the haphazard use of CFSP instruments.¹⁰ On a number of occasions, analysts have demonstrated how the widely heralded goal of HR&D promotion has been sidelined due to other (more compelling) interests, such as economic advantages, commercial gains and security.¹¹ Not surprisingly, the EU has traditionally shown a greater zeal in resorting to punitive measures for violations of human rights in those regions of the world where it had 'the upper hand', particularly in the 'poor, marginal countries' of sub-Saharan Africa.¹²

Besides restrictive measures, the EU has also implemented a number of HR&D promotion programmes and projects in Africa, which support democratization from below and tend to reward compliance and progress (as opposed to sanctioning bad practices). Since the mid-1990s, when new policy instruments for the promotion of democracy and human rights were introduced, these initiatives have been implemented within the broader field of development assistance.

The EU's approach to HR&D promotion in Africa can be divided into two areas: mainstreaming and direct promotion. The 'mainstreaming' principle requires integrating human rights and democratization issues into all EU-Africa relations, from trade to cultural co-operation. In its relations with African countries, the EU defines detailed country strategy papers in which an assessment of the situation of human rights and democratization is included. This assessment is in turn an integral element of the assistance strategies adopted, with regular reviews providing the opportunity for expanding and refining references to human rights. Moreover, regional co-operation programmes, such as the African Peer Review Mechanism adopted by the African Union in 2003, which is a mutually agreed self-monitoring instrument voluntarily acceded to by AU member states, are integrated into political dialogue between African countries and the EU. This has become a regular component of the Africa-EU Partnership for Democratic Governance and Human Rights launched in 2007.¹³

In the context of direct promotion, the key framework is the European Instrument for Democracy and Human Rights (EIDHR), adopted by the Council and the European Parliament in 2006 (previously known as an 'initiative'). It is supported by a special budget (of approximately €1 billion for the financial period of 2007–13, managed directly by the European Commission) and works mainly through co-operation with civil society organizations, but also in partnership with some key international institutions. Furthermore, the Cotonou Agreement with the African, Caribbean and Pacific (ACP) countries includes the latest version of the 'essential elements' clause, which provides for consultations and dialogue with signatory countries where there have been violations, so that human rights and democratic processes can be restored as quickly as possible. Finally, human rights are regularly addressed in political dialogue forums that the EU holds with African countries and their regional institutions, especially the AU. The aim is to gather information about the state of human rights, express concerns about the country's human rights track record and identify practical steps to improve it.

Throughout the years, EU funding has also been directed at institution building in Africa (e.g. by supporting the AU Commission, the Pan-African Parliament, as well as some national parliaments and government budgets) and at civil society actors, especially in the fields of human rights awareness, conflict resolution and advocacy. Noteworthy also is the EU's commitment towards election observation in Africa. Since 1994, when the EU deployed the largest-ever team to monitor the first South African elections after the end of apartheid, EU election observation missions have been sent to most African countries, including Angola, Burundi, the DRC, Ethiopia, Ghana, Guinea-Bissau, Kenya, Liberia, Mauritania, Mozambique, Nigeria, Rwanda, Sierra Leone, Uganda and Zambia.

Human rights and democracy from below: EU aid to civil society in Africa

As most international donors, the EU discovered the importance of civil society in the struggle for democracy in Africa in the wake of the democratic transition of South Africa, where bottom-up mobilizations contributed to bringing down the apartheid regime, making headlines all over the globe. Ever since, all EU democracy promotion initiatives have contemplated some support programmes to civil society organizations, which are seen as indispensable partners in promoting grassroots political participation and in holding governments accountable to the citizens.¹⁴

In the past decade, African countries have been the largest beneficiaries of EU funding through non-governmental organization (NGO) co-financing schemes: for instance, they received slightly less than half the overall EU budget for this type of initiative between 2003 and 2005.¹⁵ Civil society's participation is also explicitly included among the principles of the co-operation between the EU and the ACP countries. The 2005 revision of the Cotonou Agreement, which is the development scheme governing the EU-ACP relationship, provided the opportunity to strengthen this approach further, by facilitating civil society's access to funding according to reciprocally agreed co-operation programmes.¹⁶ Specific support is also contemplated for civil society's monitoring action of political processes, as is the case with the APRM.

It was within this context that the EU introduced its programmes of micro-assistance to democracy, especially in the field of civil society aid. A key instrument to support grassroots civil society's contribution to democratization traditionally has been constituted by the EIDHR's locally managed micro-projects. The EIDHR Micro-projects Programme, first launched in 1994, is designed to support local civil society initiatives and reinforce their contribution to democracy by meeting the needs of grassroots organizations at the appropriate level and by emphasizing the contribution of small-scale interventions to build ownership and spread democratic practices in remote and disadvantaged communities.¹⁷ The programme is based on the assumption that grassroots organizations play an essential role in deepening democracy, since they can act as watchdogs of local governments and bridge the gap between public institutions and local communities. Micro-projects target those organizations that, due to their limited size and management capacity, cannot access other, larger-scale schemes provided by the EIDHR. Coherently with the spirit of localization and de-concentration, all micro-projects have been managed by European Community (EC) delegations throughout the African continent in order to improve their capacity to meet local needs.¹⁸ The provision of relatively smaller funds also reflects the concern that different civil societies are at different stages of their learning curve and capacity development: therefore, through a focalized scheme, small organizations are not excluded from democracy assistance programmes and can better participate in the political and economic development of their countries. Furthermore, as small-scale democratization activities, micro-projects are designed to deepen citizens' support for civil society and reinforce the latter's contribution to democracy by imbuing local 'ownership'.¹⁹ Since their introduction, African countries (especially South Africa) absorbed the bulk of EU democracy-oriented micro-projects. In 2001, not only did South Africa account for almost one-third of all EIDHR micro-projects, but it also absorbed about one-quarter of the global budget.²⁰

The emphasis on civil society's contribution to HR&D was also reaffirmed by the EU-Africa joint strategy, which aims to promote a broad-based and wide-ranging 'people-centred partnership', allowing Africa and the EU to:

empower non-state actors and create conditions to enable them to play an active role in development, democracy building, conflict prevention and post-conflict reconstruction

processes. Both sides will also promote holistic approaches to development processes, and make this Joint Strategy a permanent platform for information, participation and mobilisation of a broad spectrum of civil society actors in the EU, Africa and beyond.²¹

To a certain extent, such an emphasis on grassroots civil society confirms the highly publicized rationale of EU political aid, which aims to support democratization not only through macro factors but also through processes of democratic socialization, emphasizing the spread of democratic practices throughout the society.²² As it combines macro and micro components of democratization, the EU approach has been described as non-prescriptive in reaching predetermined political goals: a way of building a bottom-up commitment to democracy and 'giving people a voice' in social and political processes.²³

At the same time, the EU strategy might also be interpreted as the outcome of a widespread 'reluctance to engage in more controversial work'.²⁴ Some analysts have noticed that not only does EU civil society aid neglect a relevant part of civil society in the world (especially religious-based groups in the Islamic world and, to a lesser extent, elder councils in Africa), but also that initiatives devoted to more political movements are virtually absent.²⁵ Some critics have also noted that, despite official declarations and policy documents, the overall picture of civil society aid (especially in the 1990s) is more blurred than it might seem at first glance: it is more application-driven than consistent with a general strategy, and the supposed greater attention to civil society would turn out to be largely illusory if the analysis were concentrated on the quality of projects and the actual expenditure on them.²⁶ As more recent research has demonstrated, the EU's support to grassroots civil society might be well-intentioned in its overarching principles and goals, but the daily practice tends to suffer from the traditional shortcomings of most EU development policies, including poor strategies at the local level, over-bureaucratic processes to disburse funding to local organizations and, above all, scarce performances on the part of EC delegations.²⁷

The link between human rights, democracy and security

Since the creation of the EU, the main objectives of the CFSP, as detailed in Article 11 of the Maastricht Treaty, were to 'safeguard the ... independence and integrity of the Union', and to 'strengthen [its] security', while also helping to 'strengthen international security' and 'develop and consolidate democracy and the rule of law, and respect for human rights and international freedoms'.²⁸ The 2003 European Security Strategy (ESS) translated the Maastricht agenda into a new vision of 'security challenges' as they emerged after the end of the Cold War, underlying that 'the post Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked'.²⁹ Importantly, the ESS set out by recognizing that in the new global landscape, 'Europe faces new threats which are more diverse, less visible and less predictable', ranging from terrorism to regional conflicts, which 'destroy human lives and social and physical infrastructure', and 'threaten minorities, fundamental freedoms and human rights'. In sum, the 'new' threats identified by the ESS could all be associated with the fact that 'a number of countries and regions are caught in a cycle of conflict, insecurity and poverty'.³⁰

Alongside the Middle East, Africa is a crossroads of challenges affecting not only the stability of the continent but also that of the international community. As early as 2000, the EU–Africa summit in Cairo launched a comprehensive framework for political dialogue and a plan of action to foster 'human rights, democratic principles and institutions, good governance and the rule of law', as well as 'peace-building, conflict prevention, management and resolution',

including terrorism, small arms and light weapons, anti-personnel mines, non-proliferation and post-conflict reconstruction. Such an emphasis on the interconnectedness of HR&D with other, broader stability threats was reasserted in 2007, with the launch of the new 'strategic partnership', which had ambitions to strengthen institutional ties and political dialogue in order to guarantee peace and stability by reinforcing 'security, democratic governance and human rights'.

As enshrined in the document sealing this new long-term joint strategy:

The two continents will join efforts towards the ... promotion of the values of democracy, rule of law and human rights. In this regard, the Africa-EU strategic partnership will facilitate an open, intensive and comprehensive dialogue on all aspects and concepts of governance, including human rights, children's rights, gender equality, democratic principles, the rule of law, local governance, the management of natural resources, the transparent and accountable management of public funds, institutional development and reform, human security, security sector reform, the fight against corruption, corporate social responsibility, and institution building and development.³¹

For some commentators, the link between security, democracy and human rights (if re-interpreted through the conceptual lenses of human security, which establishes the primacy of the individual above formal political institutions and overarching security goals) may help the EU refocus its HR&D policies via a 'people-based approach' and thus move away from a traditional paradigm based on institutional prerequisites and top-down conditionalities.³² Such an approach would respond more effectively to the needs of African peoples and do justice to the EU's proclaimed objective of promoting democracy through flexible and locally adaptable means.

Conclusion: EU-Africa relations in a changing world

The promotion of HR&D in Africa has not always been a priority for the EU and its member states. Even after the plague of colonialism, economic and political interests led Europe to support dictators and warlords, undermining the capacity of African countries to choose their form of democratic rule in freedom and autonomy. Since the end of the Cold War, a specific emphasis has been placed by the EU on promoting HR&D in Africa through restrictive measures and conditionalities as well as co-operation programmes, election monitoring and civil society aid. South Africa has been an important laboratory for the EU, the lesson from which has then been exported to other African countries.

Nevertheless, the EU's track record is still tainted by double standards and inconsistencies, especially when its declared values are measured against 'hard' policies such as those concerning trade and migration. In these two fields, the EU's alleged benevolence has been superseded by self-interest, protectionism and abuse, thereby impacting also on the sustainability of HR&D policies. While trade agreements have endangered African economies threatening food security and socio-economic rights, migration policies have incentivized the creation of 'concentration camps' in a number of transit countries in Central and North Africa with a view to blocking the exodus of refugees and economic migrants fleeing to Europe.

More recently, the asymmetrical relationship between Europe and Africa has been influenced by the entry of a number of so-called 'emerging powers', which are particularly interested in 'doing business' with Africa. China, arguably the most important of these new actors, has become the first economic partner and investor in the continent. Yet, unlike its European counterparts, these 'emerging powers' by and large have refrained from getting involved in the

HR&D terrain. Their interest lies with reciprocal economic co-operation. The future will tell whether this new type of partnership will supersede the EU's focus on HR&D or simply complement it.

Notes

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- 15 EuropeAid, *Thematic Programme Non-State Actors and Local Authorities in Development. Strategy Paper 2007–2010*, www.ituc-csi.org/thematic-programme-non-state,6498.html?lang=en (accessed 12 December 2012).
- 16 This reform concerns what is usually known as the second pillar of the Cotonou Agreement, which regards the introduction of participatory approaches to economic and social development. See the revised Cotonou Agreement, Articles 4, 6, 58 and Annex IV, Articles 4 and 15.
- 17 More about the EIDHR, which was revised in 2006, can be found here: ec.europa.eu/europeaid/how/finance/eidhr_en.htm (accessed 12 December 2012).
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- 23 Youngs, 'European Approaches to Democracy Assistance', 130.
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- 25 Youngs, 'European Approaches to Democracy Assistance'.
- 26 For instance, Crawford notes that the large hike in total expenditure in 1995 is almost entirely accounted for by one single project, namely support to human rights NGOs in South Africa, for an expenditure of €15 million. G. Crawford, 'European Union Development Cooperation and the Promotion of Democracy', in P. Burnell (ed.) *Democracy Assistance: International Cooperation for Democratization*, London: Frank Cass, 2000.
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Africa and China

Old stories or new opportunities?

Henning Melber

Introduction

Africa's human and other natural resources continue to be the object of systematic penetration and extraction from external actors. The Chinese penetration into Africa has only added to the new scramble for African resources.¹ Adherents of globalization need to consider the African perspective on the devastating impact of the slave trade and colonialism to understand 'how Europe underdeveloped Africa', to paraphrase a pioneering study.² Karl Marx had observed that 'the turning of Africa into a warren for the commercial hunting of black-skins, signalled the rosy dawn of the era of capitalist production'.³ According to Marx, 'these idyllic proceedings are the chief moments of primitive accumulation'.⁴

Since the era of the transatlantic human resource transfer, the exploitation of the continent continued, albeit couched in the context of a formal decolonization process. Even though the 'winds of change' resulted in sovereign African states, their societies remain to a large extent characterized by and dependent upon the structural legacy of an externally oriented economic system. Beneficiaries of such so-called development remained to a large extent based outside of the countries, with the collusion of parasitic local elites, who exploit their political control over national wealth for their own gains. They collaborate with external actors and benefit from transactions and enterprises, which are often no more than mere sell out deals.

Framing the issue in the context of a (neo-)colonial trajectory, some of the recent critical accounts of the Chinese expansion into African countries and societies and their collaboration with local elites do not reveal the genuine dynamics at play. This suggests that the concern expressed for the emerging China-Africa relationship is actually at times more about Western interests than about the welfare of the African people. While this critical observation does not exonerate the selfish nature of the Chinese expansion into Africa, it does undermine the credibility of those critics, who do not criticize other external actors, who benefit from the state of misery in which many African people still find themselves.

This chapter will discuss how the People's Republic of China's expansion into African markets has resulted in a plethora of recent analyses dealing mainly, if not exclusively, with the Chinese impact and practices.⁵ Africa has emerged, in the view of many, as 'a vital arena of strategic and geopolitical competition' and 'the final frontier'.⁶ The chapter will conclude with an assessment of how in the context of the continent's centuries of exploitation, the Chinese

incursion into the African continent may be viewed as a path to partnership with a new actor, which—claiming to represent the global South—might offer an alternative.

China: the (not so) new kid on the African block

China is not a newcomer to Africa. The more appropriate question is, what is new about China in Africa? Ever since the Bandung Conference in 1954, constituting an alliance of what was then emerging as the Third World, Chinese foreign policy included ambitions for a hegemonic role in the South.⁷ It pursued a pro-active, interventionist policy with regard to African countries in its support of liberation movements and governments in newly independent states.⁸ Despite continuous South-South collaboration and notwithstanding the socialist internationalism, so-called development aid had always been perceived as a Western approach to assist the African countries. It is often overlooked that China was equally supportive of African governments in their aspirations towards more sovereignty and development, not only through Beijing's rhetoric but also in practical terms.

One of the single biggest and most ambitious infrastructural projects of the mid-1970s was the Tazara railway, connecting the Zambian copper belt with the port of Dar-es-Salaam. Western donors considered this a megalomaniac affair that China would not be able to pull off. It indeed proved to be difficult to get into operation and—more difficult even—to maintain it operational.⁹ The project ultimately was completed and it has since been revamped and remains an asset. Instead of making China a laughing stock, it became a project considered to be of exemplary support for further economic co-operation and self-reliance between two neighbouring countries. It shaped as much the positive image among African governments of Chinese collaboration as did the plethora of public buildings such as state houses and other representative monuments of government power. Perhaps even more important in maintaining a positive image of China were the sports arenas (mainly football stadiums), which the Chinese built over decades as a token of friendship. The World Social Forum (WSF), which took place in Nairobi in January 2007, had a Chinese-built stadium as the venue.

Trade between China and Africa, however, continues to reproduce a classical skewed pattern: raw materials on the one side (Africa), in exchange for (value-added) manufactured products on the other side (China). The global trade and exchange patterns have, despite new actors, not displayed any meaningful structural changes. Chinese trade and investment in African countries is not significantly different. The new exchange relations will not transform the structure of production nor make for a new international division of labour: 'Indeed, such trade can only perpetuate the dependence of developing countries on exports of primary commodities.'¹⁰ In 2006 oil and gas accounted for 62% of Africa's exports to China. Non-petroleum minerals and metals ranked second (13%). In contrast, Africa imports mainly manufactured products from China (45%), as well as machinery and transport equipment (31%) and weaponry: China is among the top suppliers of arms to African customers. The trends suggest that China is in the meantime 'a trade-driven industrial power integrated into the world system', which 'increasingly replicates in key ways longstanding developed-state policies'.¹¹

Chinese multinational companies have proliferated across the African continent. They have left major footprints in the energy sector, notably through operations by Sinopec in Angola, the China National Offshore Oil Corporation (CNOOC) in Nigeria and Kenya, and the China National Petroleum Corporation (CNPC) in Sudan. In the telecommunications sector the state-owned Zhong Xing Telecommunication Equipments Company Limited (ZTE) and the private multinational Huawei challenge the dominance of the British, French and South African companies. Chinese companies secure major government tenders in the construction sector in

several African countries:¹² ‘Following the “going global” strategy and dove-tailing with the Chinese government’s foreign aid programs to African countries, these projects are often financed by Chinese government loans.’¹³ Empirical evidence on the multiple forms of Chinese political and economic expansion into sub-Saharan Africa is growing.¹⁴ By 2007 China ranked already as the third largest trading partner with Africa, behind the USA and France, but ahead of the UK. While trading a volume by US\$5 billion with Africa in 1997, Africa’s exports to China increased between 2001 and 2006 by over 40% per annum to reach \$28.8 billion. During the same period imports from China quadrupled to \$26.7 billion, leaving a small trade surplus for Africa. The bulk of Sino-African trade (some 85%) took place with sub-Saharan Africa.¹⁵ Added up, Sino-African trade totalled \$55.5 billion in 2006 and was estimated by a senior economist at the Chinese Ministry of Commerce to top the \$110 billion mark by 2011.¹⁶ Prof. Yang Guang from the Institute of West Asian and African Studies of the Chinese Academy of Social Sciences informed the audience during the US-Africa Business Summit in Cape Town in November 2007 that the number of Chinese companies operating on the continent exceeded 800. Some 100 companies were state-owned; most others received state support. He further numbered the cumulative value of Chinese investments by the end of 2006 at a total of \$11.7 billion.¹⁷ At around the same time Chinese companies operated in 49 out of the 53 countries on the continent, while joint ventures with local African firms amounted to some 480 enterprises.¹⁸ The 2010 data show that by then, nearly 2,180 Chinese companies had expanded into Africa; around 8,000 projects were under way, including major infrastructural projects, each totalling investment of more than \$1 billion, such as power generation plants, dams, harbours, airports, roads and sanitation.¹⁹ By 2011, annual trade between China and Africa had already reached \$160 billion and investments totalled more than \$13 billion.²⁰

The Chinese expansion into Africa also resulted in the establishment of a China-Africa Joint Chamber of Commerce in 2005, with the support of the United Nations Development Programme (UNDP) and the impressive Beijing Summit of the Forum on China-Africa Cooperation (FOCAC) in early November 2006, which assembled a hitherto unprecedented number of African heads of state outside of the continent. Significantly, in May 2007 the African Development Bank held its annual board meeting in Shanghai. Complementing these events, China has emerged in an increasingly active role as a provider of mainly bilateral support. While China is careful not to call it aid, it clearly corresponds, despite different packaging, priorities and nuances, to Western development assistance. A series of agreements, often based on loans for the implementation of a wide range of mainly infrastructural projects, testify to the new Chinese engagement with the continent effectively as a donor country.²¹

While African governments often welcome the new partners in business, there is also growing local resentment towards China’s engagement. Chinese companies and their workforce are perceived as unwanted competition and a threat. Chinese bidders compete successfully with local building industries and are accused of ignoring the labour laws and safety measures in the workplace. In some instances Chinese companies, including, for example, mining enterprises in Zimbabwe, bring their own labour force to work on construction projects in African countries. The Chinese presence also affects negatively the local survival strategies of people without salaried employment battling to make a living. This includes a hitherto unknown competition for hawkers and street vendors in Ethiopia and Tanzania, who suffer from the effects of cheap imported goods sold in Chinese shops or even on the pavements at prices they cannot offer. Local retail shops are similarly affected by cheap Chinese imports and their impact on local textile industries in several African countries, including South Africa and Kenya. Of course, this does not mean that the African social movement activists criticizing Beijing’s policy and the

Chinese expansion into African societies as more of the same are less critical of Western imperialism.²²

Re-thinking Sino-African relations: what's in it for Africa?

The resource curse is still looming for a number of African countries. Their dependency upon one or two basic resources from the primary sector is resulting in at times exceptionally high revenue income through the large-scale export of the exploited raw material (normally without any further value-adding through local processing), but without using the income for savings and/or careful investment into the diversification of the economy as a security for the time when the non-renewable resources are exhausted and the revenue income vanishes. The recorded windfall profits from these revenues generated by natural and mineral resources, as well as the positive terms of trade and trade balances and the unusually high economic growth rates, have to a large extent benefited tiny elites but have not yet translated into sustainable, positive changes towards poverty reduction and secure livelihoods for the majority of the people across the African continent. Inequalities and social disparities might well increase further in the midst of a growing narrow segment of elite beneficiaries, who are able to siphon off the revenue incomes for their private enrichment.

Institutional quality and sound economic policies remain substantial ingredients for a development paradigm benefiting the majority of people in the affected societies. Governing the access to resources through appropriate rent and revenue management policies as well as by improving policy design and implementation are as important as a diversification of the economy and the creation of human and social capital.²³ African states and their governments on the one hand and major international corporations on the other are very unequal partners. In many cases neither the governments nor the people in the resource-rich areas are aware of the cash flow generated by the exploitation of the raw materials, and they hardly derive any benefit, except the elites who personally benefit from the business deals:

In settings where initial political and economic institutions are relatively weak, dependence on primary commodities, especially natural resources such as oil, appears to have encouraged predatory government behaviour and rent-seeking, deterring the development of stable, democratic institutions that are conducive to growth.²⁴

A report based on six case studies observed 'that the government, particularly the executive, in many cases in Africa is comprised of a political elite whose reality is very much removed from the rest of the population. This results in policy-makers and influential opinion-leaders crafting policy approaches that are not beneficial to the more impoverished sectors of the population.'²⁵ New deals with China do not necessarily improve governance across Africa. Chinese foreign policy is attractive for autocratic leaders and oligarchies still in power over societies, which are mistreated by elites who treat state resources as private property.²⁶ Guided by its gospel of non-intervention, China provides grants and loans to kleptocracies with dubious human rights records and is not petty-minded when it comes to the funding modalities.²⁷ Transparency and accountability are not among the core values cultivated in African-Chinese links, and Beijing adopts a relativist posture with regards to the notion of human rights.²⁸ However, one should not forget that the West has not been a role model in rigorously pursuing human rights violations when its interests are at stake, despite claiming to be committed to the noble cause.²⁹

For current 'risk investments' by Chinese enterprises, however, more is at stake than merely securing access to new markets and resources. Once it is a part of the game, 'China seeks, as do

all investors, a stable and secure investment environment'.³⁰ Chinese foreign policy seems indeed to be adapting. Leaving behind the earlier fundamentals, 'China has moved from outright obstructionism and a defensive insistence on solidarity with the developing world to an attempt at balancing its material needs with its acknowledged responsibilities as a major power'.³¹

In the light of the new scramble for Africa, the question is not so much a choice between Europe, the USA and China (or any other actors interested in the African resources). The challenge lies in setting a new course to make optimal use of the new scenario for the majority of the people on the African continent. This draws attention again to those who have always been at the receiving end of the unequal relationships, namely the majority of people in the African societies. Their agency is crucial, and their interests should matter more than those of any other actors. This also points in a direction that should seek to shift focus beyond a reduced Sino-African dichotomy termed as a reductionist 'dragon in the bush' perspective.³² There remain great dangers in the current competitive constellation: 'It demonstrates that all of the countries in the scramble are driven largely by national interests, and that their behavior is conditioned far more by competition with each other than by the noble sentiments enshrined in their policy documents and press releases'.³³ This echoes similar concerns expressed in an earlier report for the Development Committee of the European Parliament. It concludes that the major external actors operating in Africa 'are wary that their urgent domestic needs will be compromised if they distance themselves of their own opportunistic and self-centred policies. Short-term gains still prevail over long-term stability'.³⁴

In the light of this primacy of own interests, which not too surprisingly guides interaction, there is indeed another task—namely, the crafting of an African response to China, as identified by le Pere. The priorities he lists are: (1) a need to overcome the 'yellow peril' stereotype; (2) African involvement in the harmonization of bi- and multilateral donor activities on the continent; (3) the need to urge China to participate in the Extractive Industries Transparency Initiative (EITI); (4) the need for African governments to improve their regulatory frameworks and policies; and (5) the establishment of a high-level continental co-ordinating body to guide and implement the Chinese-African co-operation agenda.³⁵ Such steps would at least contribute towards an African China policy. When articulating such a demand, however, one should also be aware that there has so far not been any truly coherent African policy on other matters given the variety of political regimes and interests on the continent.

China and the prospects for development in Africa

With new, powerful actors joining and challenging the earlier established network of external relations between African countries and the rest of the world, one needs to re-visit the aid and development paradigms to see if and how they change or how the changing economic relationships impact on defined priorities as well as potential collaboration among old and new donor countries.³⁶ Despite a marked increase in measurable financial flows into Africa, however, China so far remains a modest, mid-sized donor, although predictably with a growing share. The general proportions have only been shifted, but not fundamentally changed. The big Western states continue to remain the countries of origin for the largest foreign direct investments (FDI) and overseas development aid (ODA), although the share of emerging partners is growing fast. Based on 2008 figures, estimates ranked China eighth with \$1.2 billion, following the USA (\$7.2 billion), the European Community (EC, \$6.0 billion), the World Bank (\$4.1 billion), France (\$3.4 billion), Germany (\$2.7 billion), the UK (\$2.6 billion) and Japan (\$1.6 billion).³⁷

The Economic Outlook for Africa for 2011 pointed out, however, that emerging partners provide a range of alternative finance modalities that defy ODA and FDI definitions: ‘They tend to adopt a more holistic approach to promoting their exports, supporting direct investment, and offering development assistance.’³⁸ Agreements are often based on loans for the implementation of a wide range of mainly infrastructural projects, which at the same time provide know-how, equipment and labour for the financed work. There are concerns that China’s lending strategy might lead to another debt trap and new forms of dependency. These concerns have in one assessment been considered unjustified,³⁹ while another saw a reason to demand established, internationally recognized legal standards for responsible lending.⁴⁰

Several ‘fundamentals’ of the current aid paradigm and policies are under scrutiny when considering the Chinese engagement. These include:

- the role played by multilateral versus bilateral relations among states;
- the balance between collective responsibility and national sovereignty; and
- the prominence and preference given to either ‘hard’ (infrastructural) or ‘soft’ (good governance and institutional capacity-building) priorities.

As summed up by maybe the most familiar among the Western scholars, dealing with the Chinese engagement in Africa already since the 1990s, there are considerable differences in the approaches of the official aid emanating from the (at the time of writing) 24 Western donor countries of the Development Assistance Committee (DAC) and China. While the DAC shifted towards social sectors, Chinese emphasis lies on infrastructure and productive activities.⁴¹

A forward-looking approach stresses the need for recognition of ‘enlightened selfishness’ as the guiding principle for an evolving partnership to bring about the maximum good for Africa’s people.⁴² There seems to be evidence that the new players on the continent might indeed provide additional windows of opportunity.⁴³ China has called its own programme of socio-economic transformation and reform *Gai Ge Kai Feng*, meaning ‘change the system, open the door’. This includes the privatization of large parts of the ownership in the economy, the liberalization of trade and investment and the development of high-quality infrastructure guided by market principles.⁴⁴

This, after all, does not sound that different from the classical Western development discourse. It is nevertheless questionable as to whether this is good news for Africa: ‘China’s current aid and foreign investment practices have begun to dangerously resemble colonialism.’⁴⁵ There are similar concerned and critical voices that are more reluctant than others to argue for a welcoming embrace to a new global player, which after all might not change the rules of the game but simply join the hegemonic club and dance to its tune. Their fear is that China in the end might merely offer more of the same instead of being a true alternative. Others argue that China and other emerging economies entering the African continent as competitors are contributing to opportunities and should not be dismissed or ridiculed.⁴⁶

What most authors agree upon at this stage is the urgent need for more elaborate and empirically sound studies that investigate the realities within countries before drawing general conclusions based on vague assumptions. Many also share the hope that the major global players find sufficient common ground to act within a defined framework of shared interest:

in their common interest of maintaining an open global economic system, the EU and China stand the best chance of fruitful co-operation if they work through multilateral channels, or together help to draw up new international rules. Such an approach would increase the chances of a multi-polar world emerging in a multilateral form, rather than in the shape of two or more hostile camps.⁴⁷

The question remains to be answered if this reflects also the legitimate interests of all those who remain outside or at the receiving end of such an alliance. China had been already a signatory to the Paris Declaration on Aid Effectiveness adopted on 2 March 2005.⁴⁸ This committed China to the principles of ownership of recipients, alignment of aid to national priorities, and harmonization and coherence among donor countries. It is not clear, however, if China signed up in its capacity as a recipient rather than as a donor country.

Conclusion

The increased competition by external actors to enter favourable relations with African countries is in itself not negative to the interests of the African people, but it requires that the elites benefiting from the currently existing unequal structures put their own interest in transnationally linked self-enrichment schemes behind those of the public interest. The priority should be to create investment and exchange patterns, which provide in the first place benefits for the majority of the people. Admittedly, the chances for this might not be the best and have not yet been used: 'Most African countries still need to enhance their bargaining position vis-à-vis traditional and emerging partners to ensure that these partnerships are actually mutually beneficial.'⁴⁹

Many among those who remain sceptical over the dominant exchange mechanisms that regulate and reproduce the interaction of African countries with external actors, remain more reluctant than others to argue for a welcoming embrace to a new global player, who might not change the rules of the game but ultimately play along and join the already existing club. Their motive is not to protect Western or Northern interests possibly at stake. On the contrary: their fear is that China in the end merely offers more of the same, instead of being a true alternative.

It remains to be seen if the proponents of the two views find a way to shift towards convergence of the priorities in one coherent framework, which gives sufficient recognition and space for implementing both approaches in a complementing fashion to induce and promote sustainable development for the benefit of a majority of the people in the countries. Put differently, the question is if the external stakeholders will revert into a geopolitics reminiscent of the earlier Cold War period, or whether the ground will be laid for more *realpolitik* seeking benefits for all stakeholders, not least the hitherto marginalized at the receiving end.

Indications at this stage seem to suggest that instead Chinese engagement in Africa tends to accommodate Western norms instead of seeking to move Africa towards Chinese norms and away from Western influence. It needs to be pointed out, as a recent study rightly does:

that there is no inherent conflict between China's interests in Africa and development, good governance and democracy on the continent. Indeed, stronger African partners would both offer a more stable environment for China's investments and help China to address any problems that emerged in the course of its African ventures far more satisfactorily and sustainably than weaker and more acquiescent ones.⁵⁰

The interaction between Africa and China brings us back to the roles of the policies of the governments in the states, not only in terms of the challenges the African societies face when it comes to so-called good governance, the role of the state, of political office bearers, civil servants and the all too weak local bourgeoisie. China's role in future deals and the collaboration with African partners should also finally be measured against the words of one of its former leaders. In his speech at a special session of the UN General Assembly, Deng Xiaoping stated in 1974:

If capitalism is restored in a big socialist country, it will inevitably become a superpower ... If one day China should change her colour and turn into a superpower, if she too should play the tyrant in the world, and everywhere subject others to her bullying, aggression and exploitation, the people of the world should identify her as social-imperialism, expose it, oppose it and work together with the Chinese people to overthrow it.⁵¹

Notes

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Africa and the US AFRICOM

Jack Mangala

Introduction

Since its inception, the African Union (AU) has made the building of regional peace and security institutions a cornerstone of the comprehensive vision of development embedded in its Constitutive Act.¹ The establishment of the Peace and Security Council (PSC) in 2004 represented an important step in AU's quest for continental security governance.² Over the past few years, the PSC has assumed a more prominent role and it has come to epitomize both the possibilities and weaknesses of an increasingly self-confident AU in responding to the continent's peace and security challenges.³ Against this backdrop, the George W. Bush Administration's decision to establish the US Africa Command (AFRICOM) was rightly perceived as counter-cyclical to the AU's own efforts in providing a strategic response to African conflicts.⁴

This chapter probes the relationship between Africa and AFRICOM against the backdrop of the building of the African Peace and Security Architecture (APSA). It is divided into four sections, the first of which offers an historical and strategic lecture of AFRICOM. The second section discusses Africans' reactions to AFRICOM. The third section assesses the nascent relationship between AFRICOM and the various segments of the APSA. The fourth section articulates possible strategic convergences between Africa and the USA.

AFRICOM: an historical and strategic lecture

The announcement of AFRICOM's creation on 6 February 2007 marked a sharp conceptual and organizational departure from US global military projection.⁵ It was the culmination of years of thinking about the best ways to confront perceived strategic challenges coming from Africa. The new command structure was intended to 'enhance our efforts to bring peace and security to the people of Africa and promote our common goals of development, health, education, democracy, and economic growth in Africa'.⁶ The broad scope of this declaration of intent, which extends the military beyond its traditional role and puts it at the forefront of development promotion, underscores the fact that AFRICOM was conceived of as a 'grand experiment' in US military strategy. The decision to establish a unified military command for Africa also reflects, in many respects, a shift in US policy toward the region that speaks to the growing strategic importance of the continent to the interests of both the USA and the world.

Conceptual shift to a strategic view of Africa

The decision to establish AFRICOM is reflective of a new vision of US foreign policy strategy as outlined by Linda Thomas-Greenfield, principal deputy assistant secretary for African affairs:

In 2001, the US changed its foreign policy strategy, a move long overdue with the close of the Cold War. We decided not to rank US interests according to the traditional hierarchy of regions. In that ranking, Europe was considered a vital national security interest, Asia and the Middle East important, and Latin America and Africa mainly of humanitarian interest. We no longer operate according to this hierarchy. Since 2001, the US has implemented a strategy to operate more effectively in a world where non-state actors, and illegal trans-border activity, can pose essential threats to even the most powerful of countries. This strategy has moved Africa from the margins to the centre of American foreign policy.⁷

However, what are the factors that have militated in favour of what the Council on Foreign Relations has termed a 'conceptual shift to a strategic view of Africa'?⁸ The reconceptualization of US foreign policy toward Africa, of which AFRICOM is an expression, seems to have been motivated by three core factors that form the backbone of the new strategic thinking: the global 'war on terror', energy security and the People's Republic of China's growing influence on the continent. Each of these factors deserves some comments.

Over the past few years, US counter-terrorism and other policy documents have warned about Africa's vulnerability to international terrorism due to a host of factors, including poverty, ungoverned spaces and failed states, proximity to the Middle East, and growing radical Islam in some countries.⁹ Some countries, such as Somalia, Sudan, Mauritania and Chad, have been portrayed as potential safe havens or breeding grounds for hostile groups that might target US and Western interests on the continent. American policy makers have been particularly concerned with the security challenges posed by what have been referred to, in US strategic jargon, as 'ungoverned spaces':

America is now threatened less by conquering states than ... by failing ones ... Regional conflicts can arise from a wide variety of causes, including poor governance, external aggression, competing claims, internal revolt, tribal rivalries, and ethnic or religious hatreds. If left unaddressed, however, these different causes lead to the same ends: failed states, humanitarian disasters, and ungoverned areas that can become safe havens for terrorists.¹⁰

This new security discourse, conceptually encapsulated in notions such as 'failed states' and 'ungoverned areas', has been met with sharp criticism. Reflecting on the rhetoric of the 'failed state', Morten Bøas and Kathleen Jennings write:

'State failure' assumes all states are constituted and function in the same way: on a spectrum from good to bad. Yet the relevant question is not 'Is the state failing?' but 'For whom is the state failing, and how?' ... The concept of state failure is only useful in the context of human security, as it enables a fuller description of the realities and coping strategies in the state, taking into account agency, interests and incentives on the part of various local, national and regional actors.¹¹

The US government has taken decisive steps, especially since 2001, to increase its counter-terrorism activities in Africa. Among the most notable operations that AFRICOM has inherited

are the Combined Joint Task Force–Horn of Africa (CJTF–HOA) created in late 2002, the East Africa Counterterrorism Initiative (EACTI) established in 2003, the Trans–Sahara Counterterrorism Initiative (TSCTI) established in 2005, and the Africa Coastal/Border Security Program created in 2005. These security initiatives have received significant funding over the past few years. For example, TSCTI funding was determined at US\$100 million per year over five years from 2007. EACTI received an initial funding of \$100 million.¹²

Against the backdrop of Africa as ‘potential safe haven or breeding ground for terrorists’, a strategic reading of AFRICOM is that of a unified US military response in the global ‘war on terror’ as being prosecuted in the African theatre. AFRICOM’s centre of gravity is thus on the ‘war on terror’, even though public statements and other policy and strategy documents emanating from the US Administration and AFRICOM have tended to play down this *raison d’être*. This interpretation is shared by many analysts.¹³

Another consideration behind the conceptual shift to a strategic view of Africa has to do with the energy security of the USA.¹⁴ Reducing US dependency on Middle Eastern oil and diversifying its energy suppliers have been, since the terrorist attacks of 11 September 2001, framed as a major component of the global strategy in the ‘war on terror’. Within this broad strategic context, the USA has been increasingly turning to Africa to meet its energy needs. Oil from Africa already represents 22% of US total imports.¹⁵ Within this broad context, a second strategic reading of AFRICOM is that of an energy–protection service with the function, among other things, to safeguard Africa’s energy supplies as well as their delivery systems to the US domestic market. This second strategic interpretation has been espoused by many scholars and analysts of US–Africa relations.¹⁶

Besides terrorism and energy security, a third factor that has led to the conceptual shift to a strategic view of Africa by the USA has to do with China’s growing influence on the continent. A look at the Chinese (both public and private) foreign direct investment (FDI) portfolio clearly illustrates the extent of Chinese economic penetration. Between 2000 and 2005, Chinese FDI in Africa stood at \$30 billion. As of mid–2007, the stock of China’s FDI to Africa was \$100 billion. Chinese FDI is both diversified (oil, copper, cobalt, iron, platinum, timber, textiles, railways and retail developments) and geographically spread across all regions of the continent.¹⁷ All this has prompted the Council on Foreign Relations to declare that ‘China has altered the strategic context in Africa’. AFRICOM can therefore rightly be interpreted as part of a concerted US response aimed at counter–balancing China’s deepening influence and strategic positioning in Africa.¹⁸

The USA has never publicly admitted to the aforementioned factors as forming the backbone of the strategic thinking behind AFRICOM’s creation, preferring instead, as a matter of public diplomacy, to promote the military command under the banner of humanitarianism and capacity building, perhaps, as Raymond Copson puts it, ‘out of a concern that doing so would make US policy appear too self–interested’.¹⁹ However, a strategic lecture of AFRICOM has shown that it represents, beyond the cosmetic rhetoric, a US military response to the global reconfiguration of power as it is unfolding in the African theatre. AFRICOM is ultimately about the projection of American power and the defence of its perceived strategic interests in Africa.

Shifting conceptual framework and evolving mission

Since its inception, AFRICOM’s conceptual framework has been refined several times, leading to a confused and mixed image in what has truly been ‘*l’aventure ambiguë*’, to borrow from the title of Cheikh Hamidou Kane’s famous novel. As Botswana’s former President Festus Mogae once put it, ‘... We don’t know how the animal would look like.’²⁰ AFRICOM has been

successively referred to as ‘a bold new method of military engagement’, ‘a pioneer for a new model of US military engagement abroad’, ‘a combatant command plus’, ‘an organization along non-traditional lines’²¹ that reflects ‘a shift in military thought’²² and ought to be ‘a maximalist and transformational institution’, all of which have only added to the conceptual confusion.

One feature that was supposed to distinguish AFRICOM from other US military commands is that it was intended to embody an interagency construct or character.²³ AFRICOM was supposed to exemplify a ‘whole-of-government approach’ that bridges the divide between US governmental agencies in advancing US strategic goals in Africa.²⁴ According to Ryan Henry, principal Under Secretary of Defense, AFRICOM was not meant to be an ‘operational entity’ but an organizational change ‘that did not mean any sort of change in a basing structure or troop positions on the continent’.²⁵ Initially, AFRICOM was predicated on the idea that US diplomatic and development resources and skills and its security assets could be brought together in a coherent and innovative way on the African continent in order to support the US Administration’s goals.

A second distinctive conceptual feature of AFRICOM is the centrality given to pre-conflict, preventive and anticipatory operations. While other commands—with the exception of the Southern Command (SOUTHCOM)—have traditionally focused on ‘fighting and winning wars’, AFRICOM introduces a new security paradigm that emphasizes what has been referred to as ‘Phase Zero’ by military strategists. Phase Zero strategy, also known as ‘peacetime engagement’, seeks to address ‘threats at their inception through increased emphasis on security and co-operation and capacity building of partners and allies’.²⁶ As one Department of Defense official puts it, the measure of AFRICOM’s success would be ‘if it keeps American troops out of Africa for the next 50 years’.²⁷ Translated in non-military terms, this statement seems to echo the proposition that ‘AFRICOM appears to be designed not so much to use US forces abroad to protect us at home, but to enable foreign forces in their home to protect us from a distance’.²⁸

It is worth noting that this initial conceptual framework of AFRICOM was greeted with a mixed reception in US governmental and non-governmental circles. It was particularly suggested that by blurring the lines between military and civilian operations, AFRICOM’s conceptual framework would lead to a ‘militarization of development and diplomacy’. Other stakeholders were worried that ‘an increase in funding executed by AFRICOM could change the dynamic in relationships among US federal agencies and in relationships between individual US agencies and African partners’.²⁹

These challenges are reflected in the evolution of AFRICOM’s mission. Between February 2007 and May 2008, AFRICOM’s mission statement went through several iterations that contributed to fuelling a great deal of scepticism and conveying the sense that the US government had a ‘hidden agenda’. AFRICOM’s current mission statement approved by former Defense Secretary Robert Gates in May 2008 reads:

United States Africa Command, in concert with other US government agencies and international partners, conducts sustained security engagement through military-to-military programs, military-sponsored activities, and other military operations as directed to promote a stable and secure African environment in support of US foreign policy.³⁰

The rephrasing of AFRICOM’s mission statement as well as comments by AFRICOM and other US officials seems to indicate two important shifts. First, there has been a move away from the original emphasis on development and humanitarian-oriented activities toward more traditional military programmes in which the US military had been engaged for some time in Africa: peace-keeping training, military education and counter-terrorism operations.³¹ Second, the initial ‘whole-of-government approach’ has been somehow tempered by an increased reference to AFRICOM rather as a ‘bureaucratic reorganization within DOD [Department of Defense]’.³²

Amidst a shifting conceptual and operational framework, AFRICOM has inherited a meaningful military presence—both in terms of personnel and facilities—already existing in numerous African countries. These include, for example, about 1,500 US military and civilian personnel in residence at Camp Lemonier in Djibouti that are part of the CJTF-HOA and whose command authority has been transferred from the CENTCOM to AFRICOM. Africans' reaction to AFRICOM must thus be considered against the backdrop of this already existing US military presence and security arrangements on the continent.

Africans' reaction to AFRICOM

The announcement of AFRICOM's creation generated a wide array of reactions in Africa, ranging from stiff opposition to cautious optimism and enthusiastic offers to house the new command's permanent headquarters and subsequent forces. Although initial reactions to AFRICOM were overwhelmingly negative, it is crucial—in this as in other matters of continental importance—to avoid a monolithic approach to Africa's affairs. Beyond specific lines of arguments for or against AFRICOM, reactions to the new command deserve to be analysed against the backdrop of US-Africa relations of the past 50 years, the regional balance of power and the question of aid dependency. On the latter point—and to provide an alternative explanation to the Department of Defense's contention that negative reactions to AFRICOM were the result of a public relations failure from its part—Carl LeVan has convincingly demonstrated, through a content analysis of more than 500 African news reports, that support for AFRICOM corresponded with greater aid dependency, and that countries sustaining high levels of growth with less foreign aid were more critical of the new military command. His findings seem to suggest that good economic performance increases the latitude African countries have when responding to US policy leverage.³³

However, initial opposition to AFRICOM seems to have yielded a quiet acceptance of the *fait accompli*, as demonstrated by the growing co-operation between the military command and national governments (see Emerging PSC-AFRICOM partnership, below). This dynamic seems to vindicate what some officials at the DoD had hoped in the face of initial criticisms against AFRICOM. They were of the view that once operational and through its deeds, AFRICOM could win the thrust or, at a minimum, secure the neutrality of governments that had not been receptive to its establishment.³⁴

A few supporters

A few African governments have publicly voiced support for AFRICOM and stated an interest in housing the Command's headquarters. Senegal, Mali, Morocco, Namibia, São Tomé and Príncipe, Equatorial Guinea, Kenya, Djibouti, Botswana, Ethiopia and Liberia are among those that have publicly registered their support. The late Prime Minister of Ethiopia Meles Zenawi stated that AFRICOM would contribute to peace and stability in Africa.³⁵ From all the governments that have publicly voiced support, Liberia has been by far the most vocal and active in its lobbying efforts. Liberia's President Ellen Johnson-Sirleaf, who has sought to remake her country into the strongest US ally in the region, has outlined Liberia's position as follows:

US and foreign sceptics of AFRICOM have pointed to concerns that previous military engagements on the continent have often led to the disproportionate development of the military over instruments of civilian rule, or they see AFRICOM as a naked American attempt to gain greater access and control of regional resources. But we all must

acknowledge that security and development are inextricably linked. There is no greater engine for development than a secure nation, and no better way to build a secure nation than through building professional militaries and security forces that are responsible to civilian authorities who safeguard the rule of law and human rights ... AFRICOM should be seen for what it is: recognition of the growing importance of Africa to the US national security interests, as well as recognition that long-term African security lies in empowering African partners to develop a healthy security environment through embracing good governance, building security capacity, and developing good civil-military relations. AFRICOM should be seen as the end-product of a significant strategic realignment a long time in the making—one where engagement with African nations is more than just a humanitarian cause. Liberians can only hope that the United States will use AFRICOM to raise standards for engagement and help change the way of doing business in Africa. AFRICOM is undeniably about the projection of American interests—but this does not mean that it is to the exclusion of African ones.³⁶

President Johnson-Sirleaf is representative of a minority of African leaders who seem to see the new military command as a win-win situation, a non-zero sum game in which US and African interests are not antithetic. This position is predicated on the idea that a mutually beneficial relationship is indeed possible and can be worked out.

Unprecedented opposition

Opposition to AFRICOM has been both strong and unprecedented in the history of US-African relations. To date, all major regional and sub-regional organizations have taken position not so much against the concept of an Africa command per se, but against the basing, on the continent, of any additional US military forces. In 2007, the Pan-African Parliament voted in favour of a motion to ‘prevail upon all African governments through the African Union not to accede to the United States of America government’s request to host AFRICOM anywhere in the African continent’.³⁷ On 29 August 2007, the Southern African Development Community (SADC) adopted a common position ‘that it is better if the United States were involved with Africa from a distance rather than be present on the continent’. This position was further reiterated by SADC defence and security ministers, who issued a statement stressing that ‘sister countries of the region should not agree to host AFRICOM and in particular, armed forces, since this would have a negative effect ...’.³⁸ The basing of US troops in Africa has also been strongly opposed by the Arab Maghreb Union and the Economic Community of West African States (ECOWAS). Few states have publicly dissented from these common positions.

AFRICOM’s opponents have put forward four lines of argument. First, they argue that AFRICOM was presented as a *fait accompli* to Africans, who were never consulted during the conceptualization phase.³⁹ Second, those reluctant to embrace AFRICOM have stressed that the latter’s design doesn’t take into consideration Africa’s own emerging security architecture.⁴⁰ While it is true that the USA had been supporting Africa’s security through a variety of capacity-building programmes and initiatives,⁴¹ AFRICOM’s designers did not consult with the AU on how the new military command could enhance continental efforts in the area of peace and security; in so doing, AFRICOM has become the archetype of America’s unilateralism at a time when fundamental dynamics on the continent point towards multilateralism and the building of a collective security mechanism. Third, it has also been argued that the militarization of African-US relations that AFRICOM seems to entail will introduce a new dynamic that runs counter to the restructuring of civil-military relations that has taken place in Africa since the end of the

Cold War as part of the continent's democratic process.⁴² Fourth, the reluctance to embrace AFRICOM is also based on the grounds that the latter epitomizes a conflict of priorities between the USA and Africa. While the central focus of the US government is on the global 'war on terror', terrorism doesn't seem to be a top priority on the other side of the Atlantic, which seems more concerned with meeting the basic needs of the population.⁴³ In addition to the above lines of argument, it can be asserted that the reluctance to accept a continent-based foreign command was also informed by African experience with colonialism and its aftermath. One would think in particular of the critical role played by French troops stationed in some of their former colonies in defending France's core interests and keeping in power corrupt regimes that best served those interests. With a particular reference to the USA, even though its military footprint in Africa has been rather limited, US military assistance has often supported and rescued dictatorial regimes that were oppressing their own people but were viewed as key allies (Samuel Doe, Mobutu Sese Seko, Hosni Mubarak) by the US Administration. Africa's colonial and post-colonial history seems to suggest that foreign military presence or intervention on the continent has not always been guided by the best interests of Africa and its people.

For its part, the Bush Administration mostly attributed negative responses to AFRICOM to a failure of US public diplomacy and the initial inability of the Department of Defense to articulate a clear message and engage Africans at a level and in a manner that not only dissipates deep-rooted historical suspicions stemming from past US involvement on the continent but, more importantly, emphasizes shared interests and a common vision of the continent's peace and security. 'In some respects, we probably didn't do as good a job we should have when we rolled out AFRICOM', acknowledged former Defense Secretary Robert Gates.⁴⁴ This was echoed by another DoD official who seemed to attribute opposition to AFRICOM to a lack of information: 'suddenly you have wide publics that have no idea what we are talking about.'⁴⁵

The public-relations blunder argument has been challenged by Carl LeVan, who has demonstrated that dependency on foreign aid was the most important driver for supporting AFRICOM and, conversely, countries with high levels of growth and less dependent on foreign aid were, at least initially, more critical of the military command.⁴⁶ Despite this initial opposition, the past few years have witnessed growing collaboration between AFRICOM and various instruments that form the APSA on the one hand, and between national governments and the military command on the other. This emerging partnership at the regional, sub-regional and national levels seems to suggest that African leaders are slowly coming to terms with the idea that their countries' own security and interests and those of Africa as a whole can be reconciled with US interests and organized along commonly agreed strategic and operational priorities.

Emerging PSC-AFRICOM partnership

Despite the controversy surrounding its establishment and the operational challenges it has faced, AFRICOM has lent its support to some of the initiatives undertaken by the PSC. However, this emerging relationship has yet to be formalized into a general framework of co-operation and stands in clear contrast to AFRICOM's deepening partnership with national governments across the continent.

Absence of general framework for co-operation

In its Article 17(4), the PSC Protocol stipulates that the Council will co-operate and work closely with relevant international partners on issues of peace, security and stability in Africa.⁴⁷ This provision offers the legal basis for a possible working partnership between the PSC and

AFRICOM. Although the two partners have started to engage each other, they have yet to negotiate a general framework for co-operation on the basis of Article 17(4). The same is true for the AU in general, its nascent relationship with AFRICOM lacking a general framework that would offer the advantage of 'harmonising and coordinating all AU interactions with the Command', as suggested by the Institute for Security Studies (ISS).⁴⁸ Such an action, however, does not seem to be of concern to the AU, the Commission chairperson of which, Jean Ping, has admitted that the question of AFRICOM has never been put on the agenda of the AU Summit, and that the AU has not sought to develop an institutional engagement with AFRICOM.⁴⁹ This apparent institutional reticence to engage AFRICOM is reflective, in many respects, of the general mistrust surrounding the military command and the negative image it still carries and has to overcome.

Various AU officials have, however, indicated the organization's support for AFRICOM and the latter's potential in furthering the cause of peace and security on the continent. Representing Chairman Ping at AFRICOM's commemoration ceremony on 17 October 2008, Brigadier General Jean de Martha, head of the Operations and Support Unit, noted that 'the AU believes that AFRICOM represents an opportunity to strengthen and expand United States and African relationships in this regard. We pledge to take this partnership seriously and that our combined effort would help Africa to attain sustainable peace and security in the continent.'⁵⁰ However, in the absence of a general framework for co-operation, current patterns of interaction between the PSC and AFRICOM remain marked by a case-by-case approach, as illustrated by AFRICOM's contributions to AU regional peace and security initiatives.

AFRICOM's contribution to AU regional peace and security initiatives

In its *2010 Posture Statement*, AFRICOM reiterates the critical importance of 'region-wide efforts to establish common security networks, such as the AU's cooperative security architecture'.⁵¹ AFRICOM has thus underscored its willingness to support the AU's peace and security initiatives. For example, in 2008, it helped to deploy 1,600 Ugandan peace-keepers to Somalia and provided equipment to the Burundian battalion as part of the AU's Mission in Somalia (AMISOM). Roughly 6,000 peace-keepers are currently deployed with AMISOM out of a total authorized of 8,000. Troops come mainly from Uganda and Burundi, though Nigeria, Ghana and Malawi have all promised to provide additional troops. AFRICOM also participated in the planning and logistics for the deployment of AU troops in Darfur.⁵² AFRICOM has worked with the AU to strengthen the latter's communications capability by training a team of AU technicians and military personnel on Very Small Aperture Terminal (VSAT) satellite systems. Given the PSC responsibilities in post-conflict reconstruction issues under Article 6.e. of its protocol, there seems to be the possibility of a partnership with AFRICOM in this area. Such a partnership would be in line with the latter's commitment to address 'conditions that contribute to instability'.⁵³

There has been a developing relationship between AFRICOM and regional economic communities (RECs) in the operationalization of ASF regional brigades. The establishment of regional brigades is regarded as an area in which AFRICOM could concretely and effectively contribute to the advancement of the APSA.⁵⁴ Under the auspices of the Partnership for Integrated Logistics Operations and Tactics (PILOT), a joint Canadian government/AFRICOM initiative 'aimed at building long-term operational logistics planning capacity with the African Standby Force while simultaneously promoting interoperability between the US military and ASF', AFRICOM has been able to contribute in the improvement of the ECOWAS Standby Force's deployment and sustainment capabilities. The first PILOT seminar was held in February 2009 in Ghana and it included 30 officers and civilians from 15 ECOWAS countries.⁵⁵ Through the CJTF-HOA, AFRICOM has also provided similar training for the East Brigade

(EASBRIG). Co-operation between AFRICOM, the RECs and the regional brigades that form the ASF has been expanding tremendously, and some military, logistical and humanitarian training exercises have become routine over the past few years.

For example, it put together exercise Natural Fire 10 in Uganda and Kenya in October 2009, which brought together 1,200 soldiers and civilians from six Central and East African countries to improve interoperability and help to build their capacity to respond to complex humanitarian emergencies. A highlight of AFRICOM training exercises is Africa Endeavor, a multinational exercise aimed at testing and strengthening the communications interoperability of African militaries to enable their co-ordination in regional peace-keeping, humanitarian and disaster relief operations. Africa Endeavor has become an annual exercise. The first one was held in 2006 in South Africa, and the most recent at the time of writing (in 2012) in Cameroon with participants from 36 African countries. Since its inception, Africa Endeavor has trained more than 1,450 communications specialists.⁵⁶ AFRICOM's 2010 *Posture Statement* indicates that the Command requested funding to support training programmes to enhance the capabilities of the AU peace-keeping staff along with ECOWAS, the Economic Community of Central African States (ECCAS) and SADC Standby Brigade Headquarters. The document notes in particular that AFRICOM sought funding for designated member states' tactical units pledged to the respective regional standby brigades.⁵⁷ In 2012, AFRICOM conducted 14 training exercises, most of which were focused on enhancing the capabilities of forces in the context of RECs and regional brigades. Just to name a few: Eastern Accord, a military exercise focusing on humanitarian aid and disaster response with East African nations; Flintlock, an annual exercise training small units of Trans-Sahara Counterterrorism Partnership nations in North and West Africa; Med Accord Central, a multinational training to enhance medical capabilities and readiness for US and African forces operating in Central Africa; Southern and Western Accord, training US and African forces to conduct peace-keeping operations in sub-Saharan Africa; and Southern Warrior, a training exercise tailored to specific unit and country needs to build regional co-operation.⁵⁸

In the politically charged aftermath of the 11 September 2012 attacks in Benghazi in which the US ambassador to Libya and three other Americans were killed, AFRICOM has decided to add a rapid reaction force to its operational structure. It has been reported that this 'Commander's in-Extremis Force', as it known in the DoD jargon, will be based in Fort Carson, home to the 10th Special Forces, in Colorado. Given the sensitivity attached to the idea of stationing troops in Africa, AFRICOM officials have been reluctant to discuss the idea of a forward presence of Special Forces troops in Africa. However, even if the rapid reaction force is based in Fort Carson, it appears likely that the team of operators for the force will spend most of its time forward-deployed in Africa.⁵⁹

In addition to its growing partnership with the RECs, AFRICOM has been intensifying its co-operation with national governments through a wide range of activities and programmes, all of which suggest that the rhetoric against AFRICOM does not match the reality on the ground⁶⁰ where AFRICOM has established some presence in 12 countries and is planning on extending its footprint to 11 others.⁶¹ In light of this deepening bilateral co-operation with individual national governments, it seems legitimate to ask whether AFRICOM's current approach might undermine the APSA. The remaining section answers this question. It outlines a broad rationale for a mutually beneficial partnership.

Possible strategic convergences

As stated earlier, AFRICOM is first and foremost about the projection of US power and the protection of its strategic interests in Africa. Africans must thus deal with AFRICOM from this

realist perspective. Can US strategic interests be reconciled with African ones? This is the defining question with which African leaders must come to terms. A mere opposition to AFRICOM is not a sustainable position, especially given the power differential at play. African leaders need not be locked into the postulation that the pursuit of US strategic interests should necessarily come at the expense of African ones and that AFRICOM represents a classic example of the zero-sum game, whereby when the USA wins, Africa loses. AFRICOM can be a non-zero-sum game. A parallel examination of overarching US strategic goals and Africa's own interests and priorities seems to suggest that a win-win situation is attainable.

First and foremost, on the central question of terrorism, Africans have clearly and strongly indicated their willingness to fight terrorism and co-operate internationally in eradicating this scourge. Speaking after the Kampala terrorist attacks on 11 July 2010, Ambassador Ramtane Lamamra, AU Commissioner for Peace and Security, reiterated that the AU was 'committed to the fight against terrorism and to defeat terrorists and terrorism'.⁶² The commissioner also indicated that the AU would use the various anti-terrorist treaties that have been passed in recent times to reactivate the continental battle against terrorism. While the terrorist attacks in Uganda during the recent World Cup have prompted a re-examination of the AU's anti-terrorism strategies, they have also highlighted the possibility of a further partnership between the AU and the USA. What is needed, at this juncture, is for Africans—working through the AU—to bend the arc of the fight against terrorism, as pursued by the USA through AFRICOM, so that dimensions of terrorism and other human security threats that are of concern to the African people are given the right priority and are fully addressed under a joint strategy: genocide, gross violations of human rights, poverty, and destabilizing activities by militant and other groups seeking alternative authority.

Second, the USA and its African partners need to frame the question of security of energy supplies and routes as a common good in which both the producer (Africa) and the consumer (USA) have a vested interest. Africa's limited capabilities in securing vast energy-producing areas, particularly offshore,⁶³ would be enhanced by a genuine co-operation aimed at preserving the common good. Both the US and African partners have an interest in bringing the continent's energy production into the international market in a safe and predictable way. To that end, the USA must act in a way that respects Africa's sovereignty and is cognizant of historical sensibilities.

Third, the question of the promotion of US commercial and economic interests in Africa must be approached against the backdrop of globalization the current phase of which is ontologically different from the colonial era which saw a concerted plundering of Africa's resources. Competition from newcomers—China, India and Brazil—has already forced the USA to reassess Africa's economic significance.⁶⁴ It is within the realm of these possible strategic convergences that a partnership between Africa and AFRICOM must be conceptualized and pursued.

Conclusion

While the establishment of AFRICOM is about the projection of US power, it also speaks to Africa's growing strategic importance to the USA. In the same vein, even though AFRICOM was rolled out without any input from the African side, there is room—if Africa could speak with one voice—to infuse a new dynamic in the operationalization of the military command and correct some of its original shortcomings to make it more acceptable and in tune with regional dynamics in the area of peace and security. Already, the stiff opposition faced by AFRICOM when it was first launched has started to loosen and there is a deepening bilateral co-operation between the military command and various African governments. It is important, however, that the terms of AFRICOM's engagement at the continental level and its possible

contribution to the operationalization of the APSA be clearly defined and negotiated. It is critical to ensure that through AFRICOM, the USA would not disrupt fragile regional equilibrium but rather enhance Africa's own solutions to peace and security as pursued by the AU/PSC. Although the history of US military intervention in Africa warrants a note of caution, the ongoing reconfiguration of global power and the strengthening of continental and regional institutions in Africa make possible a genuine partnership on the basis of clearly articulated strategic convergences. In the final analysis, however, it is up to Africans to work collectively to ensure that AFRICOM's superior military capabilities ultimately serve the cause of peace and security on the continent. However, they should be careful, as an observer of African politics put it, not to throw out the baby with the bath water.

Notes

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India's sojourn to Africa

Zachariah Mampilly

Introduction

Even though analyses of India's contemporary engagement with Africa are only now starting to generate pace, a misleading narrative of this relationship has already taken hold. India's involvement with Africa is assumed to be driven by its hegemonic competition with the People's Republic of China within the broader Indian Ocean world. In particular, analysts have emphasized China and India's jockeying for economic markets, natural resources and security.

There is much that is worthy in such an approach. By distilling India's motivation to engage in Africa to a singular factor—competition with China—a digestible narrative comes to the fore. According to this account, the end of the Cold War forced India to engage in a set of economic reforms that emphasized opening the country's domestic market while simultaneously restructuring the economy towards a more export-oriented approach. This unshackling of the Indian economy led to a prolonged economic boom that has set the country in search of markets and resources to fuel its continued growth.¹ Africa, long neglected as a market, and until recently inefficient in exploiting its tremendous natural resources, provided the perfect complement to India's particular needs. However, focused on reorienting its relationship to the USA and other Western markets, India is losing out to China in accessing (exploiting?) Africa's deep potential. The Chinese, meanwhile, have devoted vast state resources to wooing African governments and have taken a perhaps insurmountable lead over India in controlling the continent's resources. India is now engaged in a game of catch up, though it lacks the resources that China has to woo African leaders. Instead, the Indian government offers pithy comments regarding historical ties or a common culture to make up for its lack of resources and inattention.

However, such a realist, China-centric interpretation is not the most useful way to understand India's African journey. Since their 1962 defeat by Chinese forces, Indian leaders have obsessed over China's rise, rendering competition between the two neither a novel nor an especially noteworthy factor in their relationships with other countries.² In addition, the Asian economic boom has forged deeper ties between the two rivals than ever before with China recently surpassing the USA to become India's largest trading partner.

From a theoretical perspective, many of the conventional analyses of India's relationship with Africa forgo an opportunity to develop novel theoretical approaches for understanding what is at core a distinctively new phenomenon—the emergence of a robust South-South economic relationship capable of driving new political alignments and realignments at the international level. In particular, the relationship between the two provides an opportunity to assess and even build new models of South-South international interactions that don't dismiss the phenomenon as mere political posturing.

This chapter first provides an overview of India and Africa's contemporary relationship based on the extant literature. It then offers an assessment of this literature, arguing that it suffers from several theoretical and empirical flaws. Finally, it attempts to sketch an alternative theoretical paradigm that better fits the case, drawing on the work of scholars dedicated to developing a theory of non-Western international relations (IR).

Survey of Indian-African relations

South Asia and Africa have been linked for millennia by migration, trade and cultural exchange. Egypt and Ethiopia (Aksum) engaged in economic relations with historical India³ as far back as the first century AD, and likely earlier.⁴ Migrants from Africa to India and vice versa moved via land or sea in pursuit of war, fortune or faith from ancient times and into the present day, interacting across the vast canopy of the Indian Ocean, the once and future centre of global history. The dawn of European colonial rule circumvented the relationship between the two, regulating interactions and forcibly introducing class and racial hierarchies into what had been a free-wheeling relationship before. However, colonialism also triggered the largest labour migrations across the Indian Ocean, moving vast populations from South Asia to East and South Africa to work as soldiers, labourers, traders and middle-men with defined roles within colonial society.

During the early half of the 20th century, South Asians and Africans reconnected working closely to liberate their countries through organizations such as the League Against Imperialism.⁵ In the immediate post-colonial period, newly independent African and South Asian nations (especially Egypt, India and Ceylon—now Sri Lanka) took the lead in advancing the cause of Third World unity through organizations like the Non-Aligned Movement (NAM) and the Group of 77 within the United Nations (UN). Under the rule of India's first Prime Minister, Jawaharlal Nehru, the country struck a highly moralistic tone in its foreign policy which some have claimed was better suited to a liberation movement than an independent state.⁶

Yet despite these historical ties, India and African countries have never enjoyed as close political and economic relations as African countries have with Europe, the USA and, more recently, China. This was especially true in the immediate post-Cold War period when unmoored from the bipolar division of the world that positioned non-alignment as an appealing, if less than meaningful position, both India and African countries turned inward to sort out crises, both political and economic. No longer led by the staunch internationalists of the post-Independence period, Indian leaders came across as ill-suited to navigate the shifting contours of the emerging globalized international order.⁷

In the new millennium, the ongoing repositioning of Asia at the centre of the global economy has shaken Indian and African leaders out of their collective stupor with both sides hustling to exploit the emergent opportunities. For Africa's elite, Asia's rise offers a reset button in their engagement with international powers, a tabula rasa unencumbered by the colonial and neo-colonial legacies that continue to linger over their partnerships with the West. For India, prolonged economic growth has seen the country re-emerge as a global player, newly confident in its economic abilities, though lacking a moral underpinning to its increasingly opportunistic foreign policy agenda. It is no surprise that Indian leaders have worked to build mutually beneficial relationships with African governments in pursuit of political and economic objectives.

Indian foreign policy making, according to the scholar C. Raja Mohan, relies on a division of the planet into three concentric circles.⁸ The first encompasses the South Asian region, areas wherein India seeks to assert veto power over the actions of states such as Nepal, Bhutan, Bangladesh, Sri Lanka, Maldives and Pakistan to varying degrees of success. Africa, particularly the Indian Ocean littoral states, sits within the second circle, an arena in which India demands a

substantive and potentially dominant role, but is unable to assert this due to competition from the USA and China.

The third circle encompasses the planet. India's desire to claim its place as a great power within a new multipolar world order drives its increasingly assertive push across the continent, including in areas with which it historically has had minimal ties, such as the West African sub-region. The Indian government pins its hopes for enhanced international standing on African states supporting its stated desire to be granted a permanent seat on the UN Security Council. To this end, the government has supported a number of initiatives geared towards wooing the support of African leaders, most announced at various high-level summit meetings that the government intends to hold every three years.⁹

In April 2008, the first India-Africa Summit was held in New Delhi. Following the lead of China, which held a similar summit attended by over 40 African heads of state in 2006, India's version was only able to attract 14 African leaders as well as the leaders of all eight major African regional groupings. None the less, it was successful in producing the 'Delhi Declaration', which outlined the 'Africa-India Framework for Cooperation' with several tangible outputs including: an increase in the level of credit from US\$2 billion to over \$5 billion by 2013; \$500 billion for capacity building and human resource development; the creation of a duty-free tariff preference scheme for the 34 least-developed African economies covering a wide variety of products; and financial support for the New Partnership for Africa's Development (NEPAD), as well as other regional integration efforts.¹⁰

In May 2011, a follow-up summit was held in Addis Ababa, Ethiopia, attended by the Indian Prime Minister Manmohan Singh and representatives from 15 African states. Singh arrived in Ethiopia after visiting four other African countries, his fourth African trip since coming to power in 2006. In addition to reaffirming commitment to the 2008 framework for co-operation and initiating new avenues for engagement, the Addis Ababa Declaration also voiced support for an expanded Security Council which would include India and an unnamed African country as permanent members.¹¹ In addition, the conference declaration waded into the contemporary political morass, indirectly rebuking the North Atlantic Treaty Organization (NATO) powers for their campaign in Libya by calling for an end to bombing in favour of a peaceful settlement negotiated by the African Union (Libya was an attendee at the conference).¹² A third India-Africa summit is scheduled for New Delhi in 2014.

Indian aid to Africa

In 2003, the government of India decided to transform its aid profile, from a net aid receiver to an aid donor. It stopped accepting aid from all but a few donors and repaid \$1.6 billion to 14 bilateral donors. Simultaneously, the country announced the creation of the India Development Initiative, immediately cancelling the debts owed it by seven of the most heavily indebted nations, including five on the continent.¹³ Two programmes in particular form the crux of India's co-operation efforts. The first provides direct development aid through the Ministry of External Affairs, including capacity-building grants for infrastructure development and for the training of African personnel, usually within Indian institutions of higher education. Second, the Indian government provides concessional loans through the Export-Import Bank of India, though, as discussed in the next section, these are primarily geared towards increasing the presence of Indian multinationals in Africa.

The total amount of Indian development aid has tripled over the past decade. More than 75% of the country's development assistance arrives in the form of grants mostly dispersed by the Ministry of External Affairs through a number of instruments. In Africa, the government has

ramped up bilateral aid to African countries through the Indian Technical and Economic Cooperation (ITEC) programme and its corollary the Special Commonwealth African Assistance Programme (SCAAP).¹⁴ These programmes offer capacity development by providing opportunities for African bureaucrats to receive skills training (such as in information technology and English) at various Indian academic institutes, as well as defence training at the relevant military academies.¹⁵ Relatedly, scholarships are available for Africans to study for degrees in Indian institutions. Notably, in 2008, Prime Minister Singh increased the number of seats available for Africans to study at Indian institutions from 1,100 to 1,600 annually. In addition, the programmes provide Indian experts for deputation abroad in a variety of fields as well as more limited aid for disaster relief and donations of equipment for development projects.

India has sought to expand its reach in Africa by expanding to areas outside of its historic areas of influence along the Indian Ocean littoral zone. For example, India has used a mix of direct aid and concessional loans to win influence over the energy-rich West African sub-region, including specific programmes targeted towards the region. Launched in 2004, the Techno-Economic Approach for Africa-India Movement (TEAM-9) brought \$500 million from the government of India for eight West African countries to improve food security, information technology and infrastructural support.¹⁶ Projects include support for rural electrification in Ghana, a potable drinking water project in Equatorial Guinea, and other manufacturing sector support in places like Mali and Chad.¹⁷

Critics of India's African policy point out that much of this outreach has been directed towards regimes that do not meet even minimal standards of democracy or respect for human rights. India has come into criticism for forging particularly close relations with the repressive governments of Sudan, Ethiopia and Equatorial Guinea, among others. However, New Delhi tends to dismiss this criticism, arguing instead that it has always considered the sovereignty of all states the starting point for Indian foreign policy.

Indian financial interests in Africa

Much of the aid given to African countries has also been directed towards improving India's financial position on the continent. The goal is to increase market penetration for Indian commercial and defence products and, more importantly, to secure natural resources, especially oil, but also minerals and ores, timber and, increasingly, arable land.

The Indian government has sought to promote investment by Indian multinationals, primarily in energy sectors and infrastructure development, but increasingly across an array of economic activity by giving concessionary loans as an incentive to purchase Indian products. The government has set up lines of credit to purchase Indian exports, an effort referred to as the Focus Africa Programme. It is run by the Ministry of Commerce and administered through the EXIM Bank. Covering 24 African countries, the programme works to expand the size of Indian exports to Africa by working with regional trade blocks and financing trade promotion organizations. Criticized as little more than an export subsidy scheme by requiring that funding be 'tied' to the purchase of Indian goods and services, the programme does provide some needed funds to capital projects as well, often at concessionary rates between 0.25% and 0.75%, which are well below market rates.¹⁸

Partially as a result of these efforts, Indian commercial firms have made substantive inroads across the continent. Large investors include Indian behemoths such as Tata, Mahindra, Essar, Bharti Airtel, Apollo Hospitals, educators like NIIT, and hoteliers such as Taj and Oberoi with investments in telecommunications, transport, information technology, steel, coffee, agriculture, health care and tourism. The list of smaller Indian firms doing business across the continent in almost

every sector of African economies is, of course, too large to enumerate, but estimates put the number of Indian firms doing business across the continent at around 250 and growing rapidly.¹⁹

Analysts have widely focused on India's attempts to secure energy resources on the continent.²⁰ Estimates put the total amount of India's energy imports at over 70% of its total need and rising, and across the continent the country has worked assiduously to win partners to meet its rising needs. Demand for oil has pushed India towards West Africa for the first time, including an increasingly close relationship with Nigeria, India's largest African oil supplier and second globally after Saudi Arabia. Indian firms also compete and co-operate with their Chinese counterparts over access to more traditional oil providers such as Sudan and Angola (Vasudevan 2010).²¹ In Angola, India has been unable to compete effectively with the Chinese, but it has had more success in Sudan, where the state-owned Oil and Gas Corporation (ONGC) working with its Chinese counterpart completed a \$200 million pipeline in 2007. Currently, almost one-third of the country's oil imports come from Africa, with large increases expected in the future.²²

The financial impact of these various initiatives has been substantial. In 2000, annual trade between India and African countries stood at approximately \$3.39 billion. By 2007, it had risen to \$30 billion.²³ In 2010, it reached \$45 billion and estimates by India's Commerce Minister Anand Sharma put bilateral trade at \$68 billion by 2012, an astonishing growth of over 1,000% in just a decade.²⁴

India's security co-operation in Africa

India's security concerns intersect with African states around three primary issues. First and foremost, India is heavily invested in securing the Indian Ocean trade routes, particularly against threats from piracy. Second, the country is competing for influence within the Indian Ocean with China, which is engaged in a strategy of encirclement referred to as the 'String of Pearls' by a Central Intelligence Agency (CIA) report.²⁵ Third, India continues to contribute a large number of troops to UN peace-keeping efforts, including many to operations across the continent.

Piracy, particularly off the coast of Somalia and along the East African coast, has emerged as a mutual concern for every Indian Ocean economic power. The USA has made combating piracy a priority, and India and China have also sought to protect important trade routes from attack. The western edge of the Indian Ocean is central to global trade as goods travelling from Asia to Europe and beyond often must pass along the East African coast en route. Indian ships patrol the eastern coast of Africa from Mozambique to the Horn, ensuring safe delivery of ships laden with energy and other resources from the continent and manufactured goods from India.

China's increasing presence in the Indian Ocean has caused considerable consternation in New Delhi. China has been moving aggressively, forming partnerships and directing investments towards countries from Sri Lanka to Mozambique. In response, India has worked to promote the naval capabilities of several East African navies, engaging in joint exercises and providing training and equipment.²⁶ India has sought to revive the Indian Ocean Rim Countries' Association for Regional Cooperation (IOR-CAR), a largely moribund regional organization, as a security-focused initiative.²⁷ India also hosted the first Indian Ocean Naval Symposium (IONS) in 2008 bringing together 26 chiefs of navy from across the Indian Ocean littoral states to discuss common security challenges and to reassert its influence within the Indian Ocean.²⁸ Notably, China was not invited to participate in the ongoing initiative.

On a separate track, New Delhi has long invested in promoting goodwill among African states by participating in UN peace-keeping operations. The country touts its longstanding record of contributing to various missions across Africa, including in Somalia, Mozambique, Angola, Sierra Leone and, more recently, the Democratic Republic of the Congo (DRC) and Sudan/South Sudan. In many of these cases, including the DRC and Sudan currently, India was

the largest troop contributor to the missions, placing it third in the total number of troops provided. In Somalia, India had operational responsibilities for fully one-third of the country, the largest ever held by a UN contingent.²⁹ As of 2009, over 100,000 Indians had served in 43 operations around the world with 130 having lost their lives during their deployments abroad.³⁰ Currently, India has 8,680 personnel operating in nine of the 14 UN peace-keeping operations globally with the bulk concentrated in Sudan and the DRC.³¹ The country does possess several unique competencies that it touts in relation to its African peace-keeping efforts. Among these are a history of peace-keeping going back to the Korean War; the capacity to provide well-trained troops who are accustomed to operating in a diverse array of terrain; and unlike countries such as Pakistan and Bangladesh (the two largest contributors), India possesses stand-alone capability to support a peace-keeping operation on its own.³²

Understanding India's African engagement

Despite the contributions summarized above, research on contemporary Indo-African relations remains behind research on Sino-African relations. Part of this has to do with the continuing tendency to treat India's engagement with Africa as driven by its competition with other great powers, in particular the rising hegemon of China. However, such an approach is based on a realist interpretation, i.e. that Indian engagement with Africa is merely a game of power. In contrast, the Indian government offers an historically inflected interpretation of its involvement, emphasizing its history of co-operation through anti-colonial and Third World associations like the NAM and the G77 as well as its cultural and ideological ties. Which of these approaches is better suited to explain the contemporary Indo-African relationship?

Despite the tendency for facile comparison, India and China's impact on Africa countries is not identical. For example, in one study of Indian and Chinese manufacturers' effect on the economies of the 13 largest African clothing manufacturers (representing 73% of total African exports), the authors discovered that 'Indian manufacturing exports are found to complement African exports of this commodity in the third market'.³³ This contrasts with Chinese manufacturers which were found to have a significantly negative effect. What accounts for this difference? The authors speculate that the 'close link between Indian and African manufacture-exporting firms' might explain why India has a net positive influence over the industry versus China's negative effect. In other words, the history of economic ties, particularly between small-scale independent traders from India and their African counterparts, results in a distinct effect on economic performance.

Neo-realists, described broadly, focus their analysis on the interactions of states within an anarchic international system. States are viewed as unitary and rational actors seeking to maximize their power to ensure their survival. This is primarily a function of military means but also economic and political factors as well. Realism has no interest in the impact of culture, history or ideology on state behaviour, subsuming these in favour of pure power politics. In addition, viewing states as unitary actors requires that domestic politics be bracketed from having any effect on the behaviour of the state in the international arena.

Pointing out that Indian foreign policy towards Africa exhibits self-interested behaviour is mundane bordering on tautological. Few states, if any, have ever pursued a foreign policy that is always against their own strategic interests. What is interesting are those cases in which states choose a foreign policy option that is either against their own interests or does not maximize their interests in favour of less optimal outcomes.

For example, while India's increasingly close relationship with the USA is often portrayed as an attempt to balance against the rise of China, Indian policy makers consistently refuse to

denigrate China in order to curry favour with Washington.³⁴ This is often a point of frustration and confusion for many Western analysts, who believe that India and the USA have a natural partnership that can offset the rise of China. Though refusing to align with the USA no longer represents the moral bravery it once did during the Cold War, India's adoption of the position is not simply opportunistic but consistent with its historical behaviour. Some may respond that non-alignment is a suitable foreign policy strategy for a rising power seeking to expand its influence in a multi-polar world order, especially by wooing support from the vote-rich African continent in international forums. Yet any assessment of this strategy—not only in its formulation but also in how it is received by foreign governments—must recognize its relationship to the ideological footing of Indian foreign policy from an earlier era.

In addition to the theoretical weakness of a realist approach, there are several related empirical problems. First, Indian engagement with Africa is not a state-directed phenomenon as realism is wont to treat foreign policy. Realism requires a top-down focus ignoring interactions occurring at any other level. Analysts have made some progress by addressing private-sector investment but this, too, is limited by a statist bias that focuses primarily on government investment initiatives.

In truth, India's interactions with the continent cannot be viewed as unitary or top-down. Instead, a diversity of actors engage with Africa motivated by multiple reasons including historical ties, political solidarity, familial and cultural connections, and of course economic opportunities. As a result, research so far does not tell us much about the actual impact of India's influence on the ground, which is far more substantial than a purely macro-focused analysis would portray. As a result, India's engagement is interpreted selectively without providing a real sense of how it affects processes of order and disorder on the continent. As the next section will discuss, an analysis that bridges both international relations and comparative politics is necessary.

Second, research on the subject still betrays an East African/Southern African bias and fails to address India's interaction with West, Central and North Africa, especially those countries outside the Anglophone world. The result is that broad generalizations about Africa are faulty and prone to selection bias. At the same time, India-Africa relations are not a story of 54 bilateral relationships. African states have a set of common norms and experiences that define their interactions with the Asian powers given expression through the African Union (AU), which provide common ground for speaking of an 'African international relations'.³⁵ In addition, experiences of domestic disorder, export-oriented economies, low levels of democracy, robust and resented engagement with international organizations and non-governmental organizations (NGOs) all provide kindle to fuel relations between the two while demonstrating the need to identify distinct patterns of engagement whether led by the state, a diaspora, the private sector, religious groups, or civil society broadly defined.

A new approach

Conventional theories of IR cannot fully account for India's relationship with Africa. Focused as they are on state actors, they fail to grasp the depth and breadth of India's African sojourn. Instead, a better theory of Indo-African relations must move beyond the 'presentism' of contemporary analyses and seek to understand how contemporary patterns of engagement are layered over historical precedents. It must also get away from state-centric analyses discussed above to include relations between Indian society and its African counterparts.

Such an approach would break from a simplistic national/international binary in which international relations are thought of as simply relations between government actors while society is relegated to a bounded domestic sphere. Instead, a focus on societal actors would emphasize the transnational and global dimensions of non-state actors operating co-existentially alongside state actors, sometimes in harmony, but often, especially in this case, in discord.

Moving away from statism is essential in order fully to comprehend the relationship between the two, though as yet few studies have attempted such an effort. As Michael Barnett suggests, scholars 'have moved away from statism because of the recognition that it does not provide leverage over important empirical outcomes'.³⁶

Such an approach is especially important in this case as neither the Indian state nor its African counterparts are fully able to assert their power within the international system, often due to weaknesses in their domestic arrangements. Though India has become far more influential, it has never been able to push the global system according to its own imperatives. This was especially so in the post-Cold War global order when India became unmoored from its non-aligned roots. The result is that non-state actors have been at the forefront in shaping the perception of India and Indians abroad.

Indeed, the evolving relationship between Africans and Indians is only minimally mediated by governments, be it social activists interacting at the World Social Forums held in Dakar, Nairobi or Mumbai; educational and scholarly exchanges that bring African students and scholars to India and Indian scholars to the continents; film and other cultural engagements including the use of African locales by Indian film makers; the importation of Indian film talent by African media houses and capacity-building exercises such as the Indian director Mira Nair's East African *Maisha* Film Lab; and even religious interactions such as those promoted by the Indian spiritual leader Sadhguru.

Instead of relying on conventional theories, Indian-African relations provide an opportunity to develop and advance a non-Western approach to international relations.³⁷ As Barnett correctly points out, 'Mainstream IR tended to exile the Third World from international history and international relations theory.'³⁸ As a result of this lacuna, contemporary Indian-African relations provides an excellent opportunity to reconceptualize the role of the global South in international relations, and in particular the relevance and meaning of South-South relations.

Some scholars like Mohammed Ayoob and Amitav Acharya have called for research that takes specific non-Western engagements and offers a theory that extends to the international system. Ayoob has developed the concept he terms 'Subaltern Realism', which retains realism's emphasis on the state, but argues that not all states in the system are equal.³⁹ Positioning Third World states as subalterns, his approach would remove the dichotomy between domestic and international order, instead emphasizing how internal conflicts can spill over to the international sphere and how external factors can shape domestic politics. In contrast, Acharya rejects realism altogether, offering the notion of 'Subaltern constructivism.'⁴⁰ Constructivism focuses on historical relationships, cultural factors and ideological valences, and attempts to develop an understanding of the world through non-material factors. In particular, constructivists focus on the development of norms and the emergence of organizational cultures that shape behaviour among individual actors. Similarly, Acharya stresses 'the role of ideational forces as "weapons of the weak" available to and employed by Third World actors as constitutive instruments of the world polity'. In this account, 'Lacking in structural and material power, Third World states resort to ideas and norms to construct world politics'.

Indian leaders in particular have sought to link their ongoing efforts to reach out to African states to a history of ideological solidarity between the subcontinent and the continent, in particular their shared history of 'Third Worldism' and anti-colonialism. The Bandung conference of 1955 brought together Asian and African leaders initiating a variety of international forums through which a particular conception of 'Third Worldism' came to the fore.⁴¹ Among other efforts, African and Indian leaders were frequently at the lead in pushing efforts normatively to transform the international economic system by replacing the Bretton Woods system with the 'New International Economic Order', and in the process creating or claiming institutional bodies such as the

Group of 77, the Non-Aligned Movement and the UN Conference on Trade and Development.

Many who have recently written about India's engagement with Africa dismiss these historical precedents, arguing instead that such prior interactions were mostly rhetorical with little impact on contemporary Indian or African behaviour; but the history of Third World co-operation continues to shape engagements between countries of the global South. Concepts and ideas developed during this period continue to constitute the language with which India and Africa speak to each other. Much more could (and should) be said about this.

The real question for students of Indo-African relations is whether pre-existing modes of analyses and theories are sufficient for understanding relations between countries of the Third World or if new approaches must be developed. Considering the historical Western bias of IR as a field as well as the vast gap between understandings of key concepts such as intervention, neo-colonialism and, of course, sovereignty, a new way is not only necessary but essential. In addition, any approach must take seriously the notion of certain types of internationalism and regionalism as being relevant to how these countries understand their position in the world and how they prefer the global community to be organized.

Conclusion

For too long, scholars from the global South have focused on Europe and North America as objects of grievance, envy, or aspiration. However, from the prevalence of corruption in the political systems, the lingering influence of traditional or religious authorities, the acceptance of grey and black economies, the intermingling of religious and secular traditions, the common history of trade and exchange, participation in transnational and transoceanic cultural communities, none being exclusive to South Asia or Africa but distinctive attributes shared by both, the lack of analysis of relations between the two regions reflects a colonial mindset no longer defensible intellectually.

Equally important, the prolonged economic slump that has undermined the USA and Europe since 2007/08 has accelerated the inexorable emergence of Asian economies at the centre of the global marketplace. Many African economies—directly linked to Asia's economic rise—have performed better (relatively) than many of the Western economies which now face 'structural adjustment' programmes from the same global financial institutions that have long been imposed on and resented by Africans. The world, from some vantage points, has turned topsy-turvy, with Europe facing debt crises and African and Asian economies emerging relatively unscathed. Rather than being peripheral to the functioning of the global economy, South-South relations are beginning to emerge as a central component of international politics—a fact yet to be understood by most who study globalization. Studying Indian-African relations provides us with the opportunity to develop new models and understandings of this emerging global order.

Notes

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Japan in Africa

From Cold War diplomacy to TICAD and beyond

Seifudein Adem

Introduction

Japan's African diplomacy began formally when Africa Division was created in Japan's Ministry of Foreign Affairs in 1961—also the opening year of the decade of political independence in Africa. After half a century, a reflection about the past and future of Japan–Africa relations is therefore timely and intellectually profitable. Anchoring itself in the simple but basic fact that the relationship between Japan and Africa is one of unequals, which also means that the stronger side, Japan, defines the terms of the relationship, the chapter examines the transformations in Japan's diplomacy in Africa in relation to Japan's own shifting identities, interests and foreign policy priorities over the past 50 years. The chapter concludes that continuity has marked the foreign policy behaviours of Japan in Africa even as Japan strived to make adjustments to the changing nature of the international system while, at the same time, trying to change the system itself in desirable ways.

Approaching Japan-Africa relations

Once upon a time a young African arrived in Japan for graduate study and told his Japanese academic adviser that he wished to study Japan's policy toward Africa. The answer came in the form of a rhetorical question: 'Does Japan have an African policy?' That African student is the author of this chapter, and the Japanese professor is Ikuo Kabashima, a political scientist and current governor of Kumamoto Prefecture in Southern Japan. The time was 1995.

As the professor suggested, I was later to realize that Japan indeed never developed a coherent Africa policy, and to the extent it did, it was a policy for specific historical contingencies, or for individual or clusters of African countries. All along Japan kept distance from Africa diplomatically.

From the long-term perspective, the rationalization of Japan's reluctance about deeper engagement with Africa acquired three forms. Prior to the First World War, the explanation for Japan's lack of interest in Africa pertained, on the one hand, to geographical distance. Africa was physically very far from Japan. On the other hand, European colonialism was also sometimes blamed for sealing off Africa from Japan in the 19th and early 20th centuries.

A related rationalization centred on the 'sphere of influence' argument. Prior to the Second World War, Japan was occasionally told by European colonial powers to stay out of their sphere of

influence in Africa. Even after many African countries won political independence in the 1960s, Japan still pursued an overly cautious diplomatic approach, constrained as it was by the perceived and actual interests of European powers on the continent. In other words, Japan saw Africa as Europe's backyard.

When newly independent African countries openly sought Japan's more active involvement in Africa, especially by providing development assistance, Japan was still less impressed. Japan's lack of enthusiasm about embracing Africa after decolonization, too, implicated former colonial powers. Having not participated in the transatlantic slave trade and the colonial scramble for Africa, it was reasoned, it was not up to Japan to play a leading role in assisting Africa's development.

The latest formulation of Japan's understanding of its lukewarm attitude toward Africa revolves around the idea of 'psychological distance'. In the words of the distinguished Japanese Africanist Hideo Oda:

Geographically, Japan and Africa are separated by a great distance, but the psychological distance may be as great. In our era of high speed international travel and a dramatically increased population of Japanese with international connections and experience, many Japanese feel entirely comfortable in places just as far removed [as Africa]. Yet the sense of distance from Africa has changed little from generations past.¹

Hideo Oda's observation is significant for a couple of reasons. It is significant not because Japanese intellectuals and political elites were totally unaware of the role of 'psychological distance' in Japan-Africa relations, the veneer of 'otherness' attached to Africa, but because they were almost always reluctant to acknowledge it openly. Never before has the existence of a 'psychological distance' between Japan and Africa been openly admitted in this manner. The admission also acquires special significance as it was articulated by a former president of the African Studies Association of Japan. It is also significant because recognition of this factor may be an important first step in the effort toward deepening Afro-Japanese relations.

As much as it is hard to disagree with Oda's account of the root of Japan's ambivalence about Africa, however, it is also reasonable to point out that the more fundamental reason that discouraged Japan from active engagement in Africa would have to do with the perceived absence of strong economic incentives for Japan to do otherwise. In the diplomatic circles in Tokyo, contemporary discourse portrays Africa merely as a continent with a great economic potential, but there is little incentive for Japan to motivate it to play the leading role in assisting in the process of transforming this economic potential into reality. Japan could get many of the critical raw materials it needs for fuelling its economy from other regions of the world, without having to go to Africa, distant both geographically and psychologically.

Even if relations with Africa are less important for Japan, however, the same relationship is vital for Africa in absolute and relative terms. Thus if we focus in on contemporary Japan-Africa relations, we can examine its three dimensions in the quest for a fuller understanding of its dynamics. One is the *nature* of the relationship, its features, in the wider context of Japan's own shifting identities and interests. The second is the *process* of the relationship, including the act of formulating and implementing foreign policy. The third focuses on the *outcome* of the relationship, an assessment of half a century of contacts between Japan and Africa.

We seek here to demonstrate how post-war Japan's Africa diplomacy sought to adapt itself to changes in the nation's internal and external environment and, more specifically, how Japan responded to those changes with behaviours designed to ensure the maintenance of the system in a given state, or alter it in desirable ways. We document and draw attention to how this adaptive policy orientation ultimately affected the nature of Afro-Japanese relations.

Typology of relations

Japan's economic interactions with Africa are negligible, with Africa needing Japan more than the other way round. In terms of monetary value, Japan relied on Africa in 2010 for less than 2% of its exports as well as for its imports.² However, the interactions are sufficient for the purpose of demonstrating how they were reflective of the changes and continuities in the international political economy, in Japan's global status and self-image, and in its diplomatic interests. Before we review these changes and continuities, however, it is useful to classify Afro-Japanese relations according to their defining features.

American-African political scientist Ali Mazrui explores different contemporary Afro-American relations: relationship of quasi-military allies; relationship of partnership; relationship of charity and benevolence; relationship of benign neglect and indifference; relationship of hostility; and relationship of passing the buck.³ Mazrui's typology can be profitably adapted for understanding Afro-Japanese relations since the 1960s.

Relationship of quasi-military allies

Japan's constitution forbids the manufacturing and export of arms by Japan and military co-operation with other countries (with the exception of the USA). What this means is that Japan, unlike the other major powers, has a good track record with regard to arms sales to Africa and military intervention in the continent.

It must be pointed out, however, that Japanese law makers passed legislation called the Anti-Piracy Law in 2009, which also authorized construction of a US\$50 million military base for Japanese Self-Defence Forces in Djibouti.⁴ That Japan now has a military base in the Horn of Africa, the first of its kind outside Japan since the end of the Second World War, would naturally lead one to wonder whether, despite its current limited goal, Japan's move heralds the beginning of a quasi-military alliance between Japan and African countries.⁵

Relationship of partnership

The defining features of a genuine relationship of partnership, and not of a 'one-sided' partnership, include mutuality of interest, even if the relationship is asymmetrical in nature, and its long-term sustainability. Relationship of partnership, of course, does not presuppose that the motive of each partner in the relationship would be the same. It only suggests that the two partners would have a common interest in maintaining the relationship. The asymmetry between the power of Japan and African countries has ensured Japan's motives are often different from the motive of African countries, with political motive featuring most prominently as the underlying reason behind Japan's economic aid to Africa. Yet, African countries appeal to Japan for aid for economic reasons.

Japan's relationship with apartheid South Africa typified a relationship of partnership, but the same relationship provided the basis for a relationship of hostility between Japan and the rest of Africa. Japan has arguably a similar relationship of partnership with post-apartheid South Africa, and with a handful of other so-called 'key' African countries.⁶

Relationship of charity and benevolence

One does not have to be a hardcore realist to claim that the relationship between two sovereign states would never be based purely on charity and benevolence. Japan's diplomacy in Africa is no exception in this regard. Deeply rooted as its culture is in the Confucian ethic of 'self-help', there is also a conspicuous absence in Japan of the kind of missionary zeal that has at times animated Western involvement in Africa.⁷

When Japan's diplomacy is not driven by considerations of short-term interests, it is often a result of 'gaiatsu' or external pressure. It was, in fact, this notion of 'gaiatsu' which derivatively gave birth to the concept of Japan as a 'reactive' state.⁸

Japan has for sure made major contributions in assisting Africa by extending foreign economic aid for, among other things, education and infrastructure as well as for combating malaria on the continent.⁹ However, Japan trails many other donors in terms of the proportion of its per capita official development assistance (ODA) as well as in the ratio of its ODA to its gross national income (GNI). In 2007, for instance, Japan ranked 20th out of the 22 Organisation for Economic Co-operation and Development (OECD) members both in ODA per capita and in the proportion of ODA to GNI.¹⁰ Like other nations, Japan, too, uses aid as an instrument of diplomacy.¹¹ In any case Japan has been at times successful in projecting its image globally as one of a charitable and benevolent nation—Japan as 'aid power'.

Relationship of benign neglect and indifference

In much of the post-Second World War period, the attitude of Japan's policy makers toward Africa was characterized by indifference rooted in the notion that Africa lay far away from the daily lives of the Japanese and that what happens in the faraway continent would have little effect on them.¹² The Japanese worldview further discouraged diplomatic initiatives by portraying domestic politics and foreign policy as totally separate realms of activities.

However, what ultimately informs Japan's foreign policy at the higher level is the absence of long national experience in dealing with the outside world and the humiliation and defeat that ended Japan's short-lived colonial adventure abroad. The cumulative effect of the experience (and lack thereof) was to condition the Japanese state to view foreign policy with a large measure of distrust, avoid diplomatic entanglements by all means and, if the national (economic) interest requires diplomatic activism, keep the activism to the minimum. Another reason that severely inhibited the emergence of a stronger relationship between Japan and Africa was the limited nature of Japan's dependence on Africa as a source of raw materials and a destination for its manufactured goods and its investment.

Relationship of hostility

Japan's low-profile diplomacy has generally prevented open hostility between Africa and Japan. Yet, historically, African diplomats had sometimes strongly expressed their dissatisfaction with Japan when the latter continued to trade with apartheid South Africa. Many Africans also viewed Japan's request for a special status in apartheid South Africa and subsequent acceptance of the dubious status of 'honorary white' not only as evidence of its racial self-denial but also as indication of the selfishness of its political and economic elite. Even in this context, however, relations of serious hostility between Africa and Japan were avoided. The African approaches toward Japan were also sometimes ambivalent, reflecting partly the relative power positions of the two sides. This was perhaps best summed up in the statement by Ethiopia's Ambassador to the UN several decades ago:

Japan is interested in Africa's natural resources and we welcome [Japan] to invest and develop Africa. But economic ties are not enough. We expect Japan as an Asian country to give its political support to the struggle against white racist regimes ... I warn you that Japan will be isolated from the Afro-Asian Group unless it joins us now.¹³

Japan nevertheless justified its continued economic relations with apartheid South Africa and sought to ward off criticism by claiming that its policy was led by the principle of *seikei bunri* (separation of politics and economics). Some attempts were also made to rationalize Japan's involvement in apartheid South Africa by linking it to the Japanese approach to conflict resolution in which violence is discouraged and the formula of 'victor without vanquished' is upheld. In order to bolster both strategies, Japan also resorted from time to time, and especially in the 1980s, to attempts at forging a relationship of seeming charity with some African countries.¹⁴

Relationship of passing the buck

Japan has historically resorted to the diplomacy of 'passing the buck' in its relations with Africa. A case in point is the notion that having not been a part of the transatlantic slave trade and a non-participant in the European colonial scramble for Africa, supporting Africa to overcome its developmental challenges was not the responsibility of Japan. The West underdeveloped Africa, and it is up to the West to help Africa.

A discrepancy clearly exists here between Japan's conceptualization of the parameters of Afro-Japanese relations and Africa's expectations. While Japan wished to look away from Africa because it did not participate in colonizing and enslaving Africans, Africans looked to Japan partly for this very reason. The fact that Japan was also the first non-European country successfully to modernize increased the attraction of that country to Africans.

Changes and continuities¹⁵

Since the 1960s the diplomatic objectives of Japan in Africa have changed periodically even though the changes were never clear-cut, but how could we make sense of the changes and continuities? Do they have noticeable patterns? What were the guiding principles of Japan's foreign policy under the circumstances? These are formidable questions without a doubt but we will formulate some broad hypotheses below.

Yasuhiro Nakasone, the Prime Minister of Japan from 1982 to 1987, identifies four 'key lessons of diplomacy from history'. First, he said, don't attempt to act outside the limits of national strength. The second lesson is not to take risk in diplomacy (diplomacy is not a game of dice). The third is to maintain clear separation between domestic and foreign affairs. The fourth is to act in accordance with the legitimate trends in world history.¹⁶ It can be argued that these were the same ideas or 'principles' that guided Japan's diplomatic orientations in Africa. Thus, Tukumbi Lumumba-Kasongo was perhaps right on the mark when he argued more recently: 'Japan's diplomatic relations with new African states ... can be only characterized as pragmatic, strategic, non-ideological, and noncommittal.'¹⁷

One way to deal with issues of changes and continuities in Japan's diplomacy in Africa is to classify it into different phases. Although such a schema would inevitably suggest a more coherent diplomacy than was actually the case, it is also suitable for highlighting which variable was emphasized and when.

Cold War diplomacy (1961–73)

In this period Japan seriously took upon itself the role of supporter of the USA. The immediate priority was, therefore, to ensure that Japan's diplomatic interactions with the newly independent African states were in line with the geopolitical strategy of the West in the continent and that it was meaningfully contributing to America's Cold War policies.

This historical juncture marked also the accelerations of Japan's own economic development, and the laying down of the institutional foundations that would prove instrumental in the next phase of its diplomacy in Africa and beyond. Japan joined the Development Assistance Committee in 1961 and the OECD in 1964, and inaugurated the Japan Overseas Cooperation Agency in 1965. A new Japan was being born in the process—a nation which, to use Ali Mazrui's colourful description, 'replaced the imperial samurai by the businessman, the battalion with the multinational corporations, and the honor motivated *hara-kiri* with profit motivated business'.¹⁸

Needless to say, Japan did not completely disregard its economic interests in this period, even though such considerations had in any case never been the primary driving force of Japan's diplomacy in Africa. However, whatever economic motive had inspired Japan in the past, it took the back seat as diplomatic orientation became more about playing along with the West than anything else. Japan was to support the West in curbing the spread of communism in Africa. In the words of Shintaro Abe, former Foreign Minister of Japan, the major diplomatic objective of Japan at this time was 'to help entrench African countries in the Western camp'.¹⁹

Resource diplomacy (1974–92)

If it were not for our intention to describe this phase in terms of what it is rather than in terms of what it is not, we would easily call it 'post-Cold War diplomacy'. In this phase there was the sense that having already firmly anchored itself in the Western camp both economically and ideologically, Japan could now afford to free ride to some extent. However, it was the 1973 oil crisis, which was triggered when the ministerial meeting of the Organization of the Petroleum Exporting Countries (OPEC) decided to raise the posted price of crude oil, that became a catalyst for change. Tokyo saw how OPEC was trying to hold the capitalist economy hostage, and realized that it was imperative for Japan to diversify sources of energy and other raw materials critical to its industries.²⁰

The event also led to 'a globalization of Japan's Asia-centric aid policy, becoming the centerpiece of a "resource diplomacy" that frantically sought new sources of oil and other energy resources throughout the third world'.²¹ The concept of 'comprehensive security', first proposed by Prime Minister Masayoshi Ohira in the late 1970s, also emerged in this period in Japanese diplomatic discourse. The new concept broadened 'security' to include both military and non-military matters such as economy, food and energy.

After 1973, a noticeable shift thus occurred in Japan's diplomacy in Africa, with more Japanese economic assistance going to African countries deemed important from the point of view of the nation's economic interests. Africa's share of Japan's crude oil imports had already risen in 1975 to a peak of 2.9% from virtually nil up to 1970.²² As William Nester had also noted, 'With OPEC's quadrupling of oil prices and the fears that similar cartels would emerge among other mineral producing countries, Tokyo doubled its Africa aid to over 5 percent'.²³ In the 1980s, the major recipients of Japanese aid in Africa were those countries considered to be important sources of raw materials vital to Japanese industry such as Zambia and Zaire (now the Democratic Republic of the Congo) (both copper), Niger (uranium), and Madagascar (chromium), potential sources of such raw materials including Sudan (chromium) and Gabon (oil), or major economic markets (such as Kenya and Nigeria) capable of absorbing Japanese exports.²⁴

Japan's growing interest in the resources Africa could offer was also evident from the ruling Liberal Democratic Party's (LDP) active involvement in 'natural resources diplomacy' in the early 1970s with the formation of the Diet Association of African Economic Development.²⁵ Neither was it a coincidence that the first ever visit to Africa by a Japanese Foreign Minister, Toshio Kimura, took place in 1974. Foreign Minister Kimura's successor, Keiichi Miyazawa,

who was later to become Prime Minister of Japan, later described the visit as one of ‘epoch-making importance in our diplomacy’.²⁶

Japan’s resource diplomacy in Africa did not, nevertheless, completely deflect the nation’s attention from the geostrategic interest of the West in the continent, just as Japan’s sensitivity to the West’s Cold War strategy in the previous phase did not lead to an abandonment of the nation’s economic interest in Africa altogether. There was no doubt, however, that Japan was now relatively less concerned about anti-communism than about diversification of the sources of its raw material supplies, especially coming as it does after Japan had established itself more firmly in the Western camp and against the background of détente in the relationship between the two superpowers.

TICAD diplomacy (1993–2005)

The Tokyo International Conference on African Development (TICAD) is an international forum launched by Japan in 1993 to deliberate about how the human condition can be improved in Africa. The forum, first proposed by Japan at the United Nations (UN) General Assembly in 1991, was based on the twin premises that ‘Africa needs the partnership of the developed nations’ and ‘Africa needs to help itself’.

If Japan’s Cold War diplomacy was primarily motivated by the nation’s need for legitimacy in the Western camp and if its resource diplomacy was born out of the quest for economic security, TICAD diplomacy was an outcome of the Japanese desire for even greater acceptance and leadership in the wider international community.

Japan’s aspiration for permanent membership in a reformed UN Security Council and its desire to garner the support of the African voting bloc to this end were both aspects of its continuing quest for greater international legitimacy and leadership. As Jun Morikawa put it, Japan was seeking at this time to become ‘a political power’.²⁷

What this also meant was that Japan had to be able to take diplomatic initiatives and show some degree of independence from the West. In a short span of time, Japan was thus transformed from ‘reactive’ to ‘post-reactive’ state.²⁸

By taking certain initiatives Japan began to exhibit a measure of independence from the West. On the occasion of the G8 Okinawa summit of July 2000, Japan extended invitations to the leaders of South Africa, Algeria and Nigeria for ‘outreach dialogue’ with industrialized nations. Never before had African leaders been given such an opportunity to consult with the leading industrialized nations at a G8 summit.

The TICAD phase of Africa-Japan relations also coincided with the first ever Africa visit by a Japanese Prime Minister, Yoshiro Mori, who went to South Africa, Kenya and Nigeria in 2001. Prime Minister Mori’s successor, Junichiro Koizumi, visited Ethiopia and Ghana four years later. TICAD diplomacy ushered in a period of fairly reinvigorated Japanese diplomatic activities in Africa.

TICAD diplomacy reflected Japan’s international status as well as its aspirations at that particular time, and it was an initiative born out of a self-confident Japan. Japan held the prestigious position of top ODA donor from 1991 to 2000, and it saw itself and was seen by others as the undisputed ‘aid power’.²⁹

Post-TICAD diplomacy (2006–present)

TICAD IV was inaugurated in Yokohama (Japan) in May 2008.³⁰ Notwithstanding the high-profile nature of the conference, Japan’s diplomacy in Africa after 2006 seemed much less vigorous than in the previous phase. However, the perceived change also has attendant causes. The conditions that gave rise to TICAD diplomacy in the early 1990s had for the most part changed

in 2006, including the relative position of Japan in the world. 'By the end of 1990s,' writes David Arase, 'Japan was not an economic superpower, or even the dominant economic actor in Asia by some measures.'³¹ Neither was Japan the top ODA donor in dollar terms.

Both Japan's ODA disbursement and ODA as a percentage of GNI significantly fell in 2006 compared to the preceding year.³² In the same year, Japan's ODA decreased by 30%, placing it fifth among the world's 22 major donors, its lowest ranking since 1972. Japan's ODA to Africa fell by 8% between 2006 and 2007.³³

It was also instructive that none of Japan's Prime Ministers who succeeded Junichiro Koizumi after 2005, visited Africa. Not even Prime Minister Taro Aso, who was the first Prime Minister of Japan to have lived and worked in Africa for a relatively extended period, found the time to travel to Africa.³⁴ To say that Japan's Africa diplomacy in the post-TICAD phase has been devoid of any dynamism and vitality is therefore only to state the obvious. However, this does not mean, as indicated below, that TICAD would suddenly cease to inform and frame Japan-Africa relations in the years ahead. Indeed, a flurry of activity is already underway that is aimed at making the TICAD process more relevant to the new realities both inside and outside Japan.³⁵

Disaster diplomacy

Japan was hit by a triple disaster, as we learned in March 2011 as the sad story unfolded, when three powerful forces of nature—a mega earthquake, a powerful tsunami and nuclear radiation—devastated the island nation. Japan's Prime Minister Naoto Kan was certainly not exaggerating when he described the tragic events. He said it was the 'most severe crisis since World War II'.³⁶ The cost in terms of human lives was huge, with about 25,000 Japanese reported dead or remaining missing in May 2011.³⁷

Reconstruction efforts in the wake of the disasters also required the commitment of massive financial resources by the Japanese state, prompting the Diet to pass the first budget instalment in June 2011 of the amount of 4 trillion yen. Consideration of the second instalment, expected to be five times larger, had also already begun at the time of writing.³⁸ A significant slashing of the ODA budget, the major tool of Japan's diplomacy, is also under consideration, with a nearly 50% cut already reported for the fiscal year 2011.³⁹ However, the downward trend in the size of Japan's ODA budget was not new.

If Japan's TICAD diplomacy existed mainly in name only after 2006, are we then witnessing its end altogether? The answer to this question would have to be an unequivocal 'no'. TICAD events, including the periodic conferences, would continue to take place. In Japan's culture there is the notion that image can sometimes be more important than reality (*amae* and *tatamae*). We would see increased activities in Japan-Africa relations, however mostly symbolic, if only to project the image of Japan which is not retreating from diplomatic engagement with Africa. In keeping with this, Japan already went on to organize a ministerial meeting as a follow-up to TICAD IV in Dakar in May 2011, less than two months after the triple disasters. Foreign Minister Takeaki Matsumoto used the occasion to reiterate Japan's resolve 'steadily' to double aid to Africa by 2012 to \$1.8 billion, as it had pledged earlier.⁴⁰

Those considerations that have historically informed Japan's diplomacy in Africa over half a century would also continue to operate. On the eve of the opening of Japan's first overseas military base in the post-war period, a Japanese government official said: 'The region around Djibouti has been a key arena in US anti-terrorism operations, so the Self-Defense Forces (SDF) installation is expected to strengthen the bilateral Japan-US alliance.'⁴¹

While Japan's relative power has declined, its diplomatic and economic interests in Africa have not, and the re-emergence of the People's Republic of China as a potential competitor in

Africa has only added to the imperative for Japan to deepen relations with Africa. Japan's new diplomacy in Africa would nevertheless take place against the background of a 'crisis of confidence', in which the nation has seemingly 'pulled [itself] into a shell, content to accept its slow fade from the global stage'.⁴² The triple disasters and their consequences, including the seemingly singular focus on domestic recovery, have also accentuated this image of a Japan that was turning inward diplomatically.

Conclusion

We have attempted to capture in this chapter the major patterns of Japan's diplomacy in Africa in two ways. One was by adapting a typology of North-South relations that has a wider relevance: relationship of quasi-military allies; relationship of partnership; relations of charity and benevolence; relations of benign neglect and indifference; relations of hostility; and relations of passing the buck. We have sought to demonstrate how the nature of economic interactions between Africa and Japan in the context of an asymmetric relationship reflected Japan's strategy of adaptation and adjustment to the changing domestic and international political and economic environment. In this vein, we outlined four diplomatic patterns: Cold War diplomacy (1961–73); resource diplomacy (1974–92); TICAD diplomacy (1993–2005); and post-TICAD diplomacy (2006–present).

We have also demonstrated that despite discontinuities, the pursuit of strategic, economic and political objectives has remained the cornerstone of Japan's diplomacy in Africa, which also meant that the changes in the nature of Japan's involvement and in its interests in Africa have been less dramatic. However, the rise of China, and the March 2011 disasters that befell Japan, are bound to introduce further re-adjustments in Japan's diplomatic approach to Africa.

Notes

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The dynamics of South-South co-operation in the context of Africa and Latin America relations

Gustavo Barros de Carvalho

Introduction

The dynamic changes currently taking place both on the African and the South American continents have opened new possibilities for a closer partnership. Furthermore, the realities of an increasingly interdependent world has emphasised the need for countries on these two continents to work together to address common goals and challenges.¹

President of the Republic of South Africa, Jacob Zuma, 26 September 2009

The above quote illustrates a core aspect in the current context of Africa-Latin America relations.² As global changes impact on the role played by countries from the global South, the expectations for strengthening inter-regional relations between Africa and Latin America become increasingly significant. Africa and Latin America have been seen historically in the margins of the international system, resulting in intermittent and diffuse inter-regional relations. However, in the past decades there have been several attempts to close gaps and advance co-operation between the two regions. This has been particularly significant from the perspective of the increased international role played by countries from the global South.³

Africa and Latin America share several similarities and differences, with a large diversity of countries, cultures, economies, political systems and societies. Present interactions widely vary in terms of intensity, the various actors involved and issue areas. Also, inter-regional relations are mostly concentrated by a few countries from both regions. From the Latin American side, countries like Cuba and Brazil have historically had larger interests within the African continent, and more recently Venezuela has developed stronger bilateral agendas with African countries.⁴ Arising from the African continent, South Africa stands out through a larger and diversified display of interests and activities exchanged with Latin American countries.⁵

There are several factors that have attracted and distanced the two continents. On the one hand, a gravitational centre between the two continents has been created around the presence of a large African diaspora in Latin America, similar domestic challenges and the tendencies of left-leaning governments.⁶ On the other hand, the relations between the two continents have

been challenged by the lack of deep historical, political and economic relations, and language and culture barriers.

Within this context of mutual attraction and distancing between two continents, there are now more interactions than ever before,⁷ despite it being smaller in comparison to the magnitude of the relationship these two have with other continents, e.g. Asia and Europe. This context opens the space for various questions to be asked: What constitutes Africa-Latin America relations? What characteristics promote the relations between the two continents? Who are the main actors involved and how they engage with each other? This chapter aims to reflect on these questions.

Whilst Africa and Latin America do not share a level of interaction similar to those of other regions, they do provide an important avenue for reflection on how and why southern countries co-operate with each other. Therefore, this chapter starts from the premise that Africa-Latin America relations are highly diverse and diffuse, but where they exist, the relations are driven mostly by co-operation as a driving force. This co-operative behaviour thus provides a basis, together with some particular inter-regional dynamics, that directly influences the ways in which Africa and Latin America relate.

The chapter will first briefly discuss what co-operation is and how South-South co-operation can be placed within this debate. Second, based on that approach, the chapter will present an overview of broad areas where Africa and Latin America co-operate more frequently, and list some practical examples of this co-operation. Finally, the chapter will go into some further detail in identifying and discussing how different states and interregional arrangements play a role and influence the way in which the previously mentioned areas of co-operation are implemented between the two continents.

It is important to note that whilst this chapter discusses two large and diverse continents, it would be impossible in this short space to present a complete idea on how Africa and Latin America relates. Instead, the chapter deliberately simplifies these relations in common categories that exist between the two continents which might help further to understand the way African and Latin American countries relate to each other.

Concepts of South-South co-operation in the relation to Africa and Latin America

This chapter focuses on the relations between Africa and Latin America as part of a process of South-South co-operation. Rather than being characterized by any type of relations between countries from the global South, its co-operation processes can be seen through a particular pattern of relations. Generally, this chapter uses the definition of co-operation as the process *when actors adjust their behaviour to the actual or anticipated preferences of others, through a process of policy co-ordination*, affecting beliefs, rules and practice that form the background for future actions.⁸

Co-operation is seen in the international relations debate through various different lenses. For instance, realists and neo-realists see and conceive states through the understanding that the anarchic nature of the international system creates opportunities for states to further their interests unilaterally. This context imposes difficulties for states to co-operate even when institutions are in place.⁹ Jules and de Sá e Silva present that under the realist perspective South-South co-operation could be a strategy used by the South to secure power; however, such countries would be prone to being either silenced or manipulated by hegemonic states.¹⁰ Alternatively, neo-liberalist perspectives in international relations¹¹ provide a further understanding on how South-South co-operation can emerge in the international system, which sees

co-operation not just as the exception in the international system, but as a rational choice taken by states. Whilst neo-liberalists acknowledge the same (neo-)realist anarchic nature of the international system, they also have the understanding that co-operation amongst nations can emerge through the building of norms and institutions.¹² Hence, co-operation can be seen by countries as a means to reduce overall transaction costs, including those involved in bilateral negotiations, agreements and dispute resolution.¹³

Following this perspective, South-South co-operation can be conceptualized as those arrangements between countries from the global South aimed at adjusting actions and behaviours, frequently performed by focusing on reducing international inequalities or by promoting joint actions aimed at targeting similar domestic challenges, and/or jointly working with the objective of exerting a higher impact on the international system. In this context, South-South co-operation is broader than the mere promotion and support, from southern countries, to the development of other countries from the South. South-South co-operation can be indeed, and frequently is, implemented through *developmental* exchanges, including cultural, information, educational and technical, which are frequently done through targeting similar domestic challenges.¹⁴ Further, South-South co-operation can be linked through a *strategic* approach, where countries from the South develop alliances with each other, aiming to deal with fundamental policy matters of systemic character or multilateral arrangements frameworks.¹⁵

Both developmental and strategic South-South co-operation can emerge in a highly diverse scenario, where countries differ widely in terms of power, capacity to influence and international roles played. In this context, South-South co-operation is frequently conducted by southern countries based in two different positions that these countries might occupy. First, it can be led by those countries from the South that have more power capabilities, particularly by providing them with a space to exercise further its increasing influence in the international arena. Second, it can also be used as a functional tool for less powerful countries that are willing to maximize its roles in the international system or in the shared provision of solutions to similar challenges.

The following sections will further discuss how these concepts of South-South co-operation apply to Africa–Latin America relations.

A general description of types of co-operation between Africa and Latin American

Africa–Latin America relations present a core example for the development of a framework for South-South co-operation. Relations between both continents have occurred, as previously mentioned, on a highly diffuse and diverse basis, operating through a co-operative pattern. In this context, several types of co-operation can be identified when analysing the relationship between the two concepts. Following the above-mentioned definition of South-South co-operation, co-operation between Africa and Latin America can be clearly divided between: developmental co-operation—those exchanges that are linked to support development and/or jointly targeting similar domestic challenges; strategic co-operation—those types of engagement where countries aim to develop strategic alliances between countries from the two regions, and further strengthen their role in the international system.

Inter-regional relations between Africa and Latin America have been largely based on reducing international inequalities and promoting mutual regional development. At the global level, the 10 countries with the greatest inequalities are found in Africa and Latin America.¹⁶ In this context, a large component of Africa–Latin America relations is reflected on the basis of how to address these issues, bringing further development for these nations. It is frequently led by processes of increased investment amongst countries of the South as well as technical co-

operation that aims further to strengthen the development. For instance, at this level, Brazil has developed co-operation agreements with several African countries in sharing its conditional cash transfer programme, including Ghana.

A strong component of Africa-Latin America relations has been based in the development of joint actions that aim to exert a higher impact on the international system, through the development of a strategic co-operation alliance involving African and Latin American countries. In the context of the middle powers, strategic co-operation has provided a forum in which countries like South Africa and Brazil can increase their role internationally and jointly find opportunities to influence the management of global governance. The creation of forums like the India, Brazil, South Africa (IBSA) Dialogue Forum and the BRICS (Brazil, Russia, India, the People's Republic of China and South Africa), are clearly the most studied and create more expectations of the role that Africa's and Latin America's largest middle powers can play as emerging actors in the international arena.

Strategic co-operation has also provided a space in which smaller African and Latin American countries can jointly act in order to increase their role and influence in the international system. The development of alliances between multilateral arrangements like the G77 and the Non-Aligned Movement (NAM) are examples of alliances that strengthen the adjustment of international behaviour and increased the international role played by African and Latin American forums. Whilst frequently these forums are not limited to African and Latin American countries, they indeed provide an opportunity for convergence of the two continents' positions and international roles.

These two main areas are directly affected by the roles played by particular actors in the two continents. The following sub-sections will further present how different types of states are implementing and leading South-South co-operation between Africa and Latin America, as well as the particular role that institutionalized arrangements are playing in this regard. These characteristics are presented in the following points:

- Inter-regional relations have been more intensively exercised and enabled *by, between, and through* both regions' middle powers, both in terms of developmental and strategic co-operation;
- Despite claims for increased South-South co-operation, small powers have not engaged mutually in extensive relations; and
- Inter-regional arrangements, while they exist, are still very much based on bilateral or plurilateral relations with a weak institutionalized inter-regional framework.

The role played by regional middle powers

The regional middle powers can be seen as the main enablers of Africa and Latin America inter-regional relations. These countries are the ones that have more capacity to engage with extra-regional actors, but also more interests to increase their areas of influence and gains in the international system. From a conceptual point of view, a middle power is a state with leaders who consider that it cannot act alone effectively but may be able to have a systematic impact in a small group or through an international institution.¹⁷ In this context, one could identify Latin America middle powers as countries like Brazil, Mexico and Venezuela, and African middle powers as countries like South Africa and Nigeria.

African and Latin American middle powers' interests and position dictate how developmental co-operation is performed between the two continents. In this context, developmental co-operation has played a role in Africa-Latin America relations that is mostly related to a Latin American

presence in Africa, rather than the other way around. In this context it can be explained by the fact that the countries with larger capacity in Africa, and notably South Africa, still focus on developmental co-operation patterns as part of their African agenda. Second, Latin American countries, and particularly Brazil, have recently increased their interests in Africa as a tool to increase their international positions.

Amongst these regional middle powers, Brazil and South Africa stand out for the roles played individually and in relation to each other. Both countries, as the main powers in their respective regions, have indeed played the strongest roles in enhancing inter-regional relations, through initiatives of South-South co-operation. Particularly in relation to Brazil and South Africa, both countries manage identities in the international system that have been increasingly changing, and which reflect the way that these two countries have helped to foster Africa-Latin America relations.

Brazil

Brazil presents itself as the most engaged actor in the context of relations between the two regions. In this context, Brazil has managed to develop a diversified portfolio of co-operation with Africa which ranges from the support of African development to actively engaging in strategic partnerships with several African countries. In the last 10 years, Africa has been an area of high Brazilian diplomatic investment, which can be translated into an unprecedented number of visits from heads of state and the opening of dozens of new embassies in Africa.¹⁸

Historically Brazil had the centre of its relations with Africa based on selective approaches, which focused on the African Portuguese-speaking countries, on Nigeria and on South Africa. More recently this focus has expanded to the rest of the continent. Brazil has also had historically strong relations with African middle powers, particularly with South Africa and Nigeria. In this context, Brazilian co-operation with African countries spans all the above-mentioned categories of relations between African and Latin American countries.

Developmental co-operation has been central to Brazil's efforts in Africa, co-ordinated particularly by the Brazilian Cooperation Agency (ABC), and frequently based on strategies that have already been implemented at home.¹⁹ Brazil has engaged in this type of co-operation in various areas including priorities in sectors such as agriculture, social development, health care, industry, science and technology.²⁰ In agriculture, for example, Brazil has engaged with several African countries aiming to increase competitiveness of Africa agriculture, particularly through the transferring of skills and capacity building. For instance, the role of EMBRAPA, the Brazilian state corporation on agricultural research, has been particularly significant, in sharing knowledge and technology transfer with several African countries, including Ghana, Angola and Kenya. Technical co-operation, in this sense, has strongly focused on the relationship with smaller countries, focusing on a solidarity discourse of mutual partnership and reciprocity in the relationship.²¹

In terms of strategic co-operation, Brazil also showed a strong role in enhancing its relationship with Africa. In this context there are two spaces in which Brazil has traditionally engaged with Africa. The first one relates to the sphere of the African Portuguese-speaking countries. That relationship has been historically to Brazil a central entry point in Africa. Furthermore, the development of stronger relations with countries of similar nature, like South Africa, has also gained importance in the Brazilian approach to co-operation with Africa. This will be discussed in more detail below. Also, Brazil seeks political support from African countries in various global forums, including in its pursuit for a permanent seat on the United Nations (UN) Security Council.²²

South Africa

Since the end of the apartheid regime in 1994, South Africa has engaged in serious introspection about its place in the world, which is based fundamentally on bringing about redistribution of power between North and South.²³ In this context, despite the fact that Latin America has not been seen as a central priority in South Africa's foreign policy—particularly in line with its Afro-centric foreign policy perspective—South Africa's role and engagement have been mostly based on the approach of utilizing the inter-regional approach as a platform to consolidate and further its roles in the international system.

South Africa's view on South-South co-operation with Latin America has had its focus very much on the development of strategic co-operation arrangements, particularly with Brazil (see further discussion below). South Africa's Foreign Policy White Paper confirms *an increase in political aspirations and the active role of middle powers in Latin America will enable partnerships and strategic coalitions to advance mutual interests*.²⁴ Also, a large part of South Africa's co-operation with Latin American countries is enabled through forums from the global South in which South Africa is an active member, particularly NAM and the G77. South Africa has not engaged substantively with Latin America in aspects of technical co-operation, and the perspectives for the creation of a centralized South African Development Partnership Agency (SADPA) are still very much focused on African engagement.

Brazil and South Africa in the context of global South strategic alliances

In past years, we have seen internationally an increased number of strategic alliances between countries from the global South. Several of those include the creation and identification of strategic partnerships between African and Latin American countries, particularly Brazil and South Africa. In this context, these two countries have been part of several bilateral and plurilateral partnerships, with the aim to increase their impact in the international order by forging alliances and partnership with other analogous middle powers. The creation of IBSA or the recent inclusion of South Africa in the BRICS show a typical alliance of balance in relation to global powers, based on alliance with other middle powers.

Soares de Lima presents that whilst there might be criticism of South-South co-operation, the relationship between South Africa and Brazil is evidence that the complementarity between them could be bigger than the competition factors, bringing a basis for co-operation that is different from North-South arrangements and which is not common in South-South co-operation either.²⁵ IBSA, for instance, can be seen as one of the most important examples of South-South co-operation, with the objective of having a higher impact on the international system through the promotion of a political alliance between countries that share common objectives in altering North-South power relations in the global economy and in terms of global governance.²⁶ Kornegay points out that the attractiveness of IBSA rests on the individual and collective potential as democratic 'middle powers' for bridging the North-South divide within a reconfigured global governance.²⁷

Relationships between small powers

Beyond the role played by middle powers in the two continents, one can clearly note that African and Latin American small powers relations are the exception rather than the norm, both in developmental and strategic co-operation. According to Robert Keohane, a 'small power is a state whose leaders consider that it can never, acting alone or in a small group, make a

significant impact on the system'.²⁸ In this context, most African and Latin American countries could be described within this category. Whilst this fact does not explain why these bilateral relations are the exception rather than the norm, per se, there are some aspects that could explain it further.

Africa and Latin America are little known to each other in most countries of the two continents. In this context, relations between small powers in the two regions are either based on punctual and sporadic contact and co-operation, or through some kind of existing global multilateral arrangement. For instance, Uruguay has signed co-operation agreements on scientific and cultural co-operation with countries like Angola, Gabon and Mozambique.²⁹ Also, the role played by small powers in forums like the G77 and NAM can be highlighted, but has had little impact in strengthening the relationship between small powers in the two continents. In this context, these types of co-operation are limited in nature with a small overall impact.

Cuba represents the clearest exception to this pattern, being one of the most active actors in the fostering of inter-regional relations between Africa and Latin America. The reasons for its enhanced role are historically and ideologically related. This relationship has its origins during the Cold War and still reflects the way Cuba and Africa relate today. Since the early 1960s, for example, Cuba has developed a very active policy of co-operation towards nearly all African countries, with special emphasis being placed on health issues.³⁰ Whilst during the Cold War the Cuban military supported countries like Angola and Mozambique, currently its role is more punctual and less interventionist. Cuba currently focuses largely on supporting African states in development assistance through its so-called medical internationalism.

Institutionalized inter-regionalism

The above sections present a snapshot of Africa-Latin America relations, based largely on bilateral and/or plurilateral arrangements. This section will elaborate on some of the institutionalized inter-regional relations, and their overall role within inter-regional relations between Africa and Latin America. As mentioned, Africa-Latin America relations are increasing. These relations are mostly based on an array of bilateral and multilateral relations instead of strong institutionalized regional approaches. However, a few examples can be presented.

An important initiative occurred with the hosting of the Africa-South America Summits (ASA), which in 2006, 2009 and 2011 met respectively in Nigeria, Venezuela and Equatorial Guinea, with the objective of enhancing political discussions between the two continents, and finding joint solutions to similar challenges. These summits, scheduled every two years, whilst they do not incorporate the entire Latin American context (they exclude the Caribbean, Central America and Mexico), can be seen as an important development in furthering inter-regional relations. These meetings allowed dialogue between countries from the two regions, particularly on the strengthening mechanisms of South-South co-operation. Whilst practically the summits have yet to show their impact on strengthening relations between the two regions, they do further the commitments and intentions for increased South-South developmental co-operation, particularly in the areas of energy, agriculture, environment, culture and education, science and technology, tourism, transport and health.³¹

Concerning the role of regional organizations, whilst some Latin American countries have permanent observer status at the African Union (AU) and some African states have permanent observer status at the Organization of American States (OAS), the relationship between the two organizations is very limited. The same can be said in relation to other sub-regional organizations on both continents. Some punctual relations can be exemplified through the formalized agreement between the Southern African Customs Union (SACU)³² and MERCOSUR

(Mercado Común del Sur, or Southern Common Market), which created the limited preferential trade agreement between the two sub-regional organizations.³³ The institutionalizations of relationship between regional organizations in those cases were highly influenced by the efforts and interests of Brazil and South Africa, core members of these sub-regional organizations.

Conclusion

In this context, there is an emerging view that Africa-Latin America relations could be further strengthened and help to build a solid partnership between a diverse range of countries from the South. In order to do so, both continents need to open up to each other more and engage in mutual relations that could benefit their own paths for development and an increased global role. In this context, below some suggestions are presented on how this relationship could be strengthened.

It is understood that there are several opportunities that Southern countries could gain by co-operating. There are, however, several challenges that these countries could face too. In this context, Africa-Latin America relations could be seen as diverse, multifaceted and orbiting around a few particular countries. Africa and Latin America have a long way to go before their relations are consolidated through the strengthening of several opportunities and expectations for further engagement.

Co-operation could be strengthened by a deeper understanding of the benefits that the mutual engagement could bring. Andrade clearly presents some of the challenges of some of the current engagements in South-South co-operation, which could well reflect the two continents analysed here. According to Andrade, what is needed is more investment, not only in the technical aspects of co-operation, but also, especially, in building the capacity of developing countries to co-operate and transfer knowledge in areas beyond 'hard policies'.³⁴

In this context, countries like Brazil and South Africa raise expectations on the types of roles they are willing to and/or can play in inter-regional relations. However, several of the uncertainties between the two countries will have to be strengthened. In the case of Brazil, Sotero suggests that one major unresolved issue is whether the country will be able to act sustainably as a consequential global player without fully embracing the risks and responsibilities of regional leadership.³⁵

South Africa is still in a process of rearrangement of its foreign policy and redefinition of its roles. In this context, whilst the country is still performing its increasing priority in inter-African affairs, through continental and regional integration, South Africa's regional integration into a larger, supranational economic and political community would enhance Southern Africa's role in other global engagements, including the building of strategic partnerships in the context of IBSA and BRICS, for instance.³⁶

One challenge that was not fully explored in this chapter reflects how South-South co-operation, particularly when led by middle powers, is different from any other co-operation arrangement between Southern and Northern countries. In this context, whilst middle powers increase their roles, the impact on other countries of the South continues to develop. Thus, in order to avoid that traditional type of engagement, the role of middle powers in Africa-Latin America South-South co-operation would benefit from a two-way process, with an increased sense of mutual partnership and reciprocity,³⁷ distancing from some co-operation patterns developed by Northern countries. Additional research on this issue could be undertaken.

Finally, there are two issues that could still be developed further between Africa and Latin America, which could allow a fully engaged inter-regional relations-aimed development of each of the continents and an increase in their international roles. By increasing the role of small

powers in this relationship it would also strengthen a relationship that is not necessarily led by the interests of regional middle powers. Whilst Africa-Latin American relations are not well institutionalized, the need to strengthen (or even expand) forums like ASA and others could provide an avenue for more constant and frequent interaction and co-operation between Africa and Latin America.

Notes

- 1 Department of International Relations and Cooperation, *Address by the President of the Republic of South Africa His Excellency Mr J.G. Zuma on the occasion of the 2nd Africa-South America Summit (ASA)*, Margarita Island, Venezuela, 26 September 2009, www.dirco.gov.za/docs/speeches/2009/jzum0926.html (accessed 20 March 2012).
- 2 This chapter will not focus on North Africa as an object of study; when Africa is referred to, it relates to the sub-Saharan region. In terms of Latin America, this chapter refers to Latin America based on its geographic-linguistic basis, being those countries in South, Central, North America and the Caribbean that have Spanish or Portuguese as their prevailing languages.
- 3 Whilst the global South is a concept that can be contested in terms of a geographical accuracy, this paper identifies the South as being composed of developing countries in Latin America, the Caribbean, Asia and Africa. Most of these countries were formerly known to be part of the so-called 'Third World'.
- 4 Latin American and Caribbean Economic System (SELA), *Relations of Latin America and the Caribbean with Africa: Current Status and Areas of Opportunity*, June 2011, 6.
- 5 *Ibid.*, 7.
- 6 L. White, 'South Atlantic Relations: From Bilateral Trade Relations to Multilateral Coalition Building', *Cambridge Review of International Affairs* 17:3 (October 2004): 535.
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- 10 T.D. Jules and M.M. de Sá e Silva, 'How Different Disciplines have Approached South-South Cooperation and Transfer', *Society for International Education Journal* 5:1 (2008): 53.
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- 27 Ibid.
- 28 R. Keohane, 'Lilliputians' Dilemmas: Small States in International Politics', 296.
- 29 Latin American and Caribbean Economic System (SELA), *Relations of Latin America and the Caribbean with Africa*, 142–43.
- 30 Ibid., 7.
- 31 Ibid., 65–77.
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IBSA or BRICS

What is preferable for South Africa and Africa—both or none?

Gladys Lechini and Clarisa Giaccaglia

Introduction

The present international scenario is witnessing the emergence of new actors and new coalitions, like the India, Brazil, South Africa (IBSA) Dialogue Forum or Brazil, Russia, India, the People's Republic of China, South Africa (BRICS). South Africa is the only African country to participate in both groups. It will be particularly interesting to see the role it will play in the years to come and to speculate on how it will affect the future of other African international players.

The post-Cold War international system has increased in complexity. The present reconfiguration of forces shows turbulence, with simultaneous and contradictory processes. Is there a shift at the system level? What is changing at the actor level? What is the nature of the international order? What is the nature of power? Where is power concentrated? Who are the powerful?

These are questions that require nuanced answers. What is clear is that relevant changes are taking place, new powers are emerging either at the political or the economic level, even as the world scene is interspersed with different crises, mostly financial in nature.

Contradictory phenomena are occurring at the same time: the process of globalization, which has generated more risks than benefits, is co-existing with processes of fragmentation and localization. There is a concentration of power in fewer hands, together with a diffusion of power to multiple centres. The classic division between North and South (developed/underdeveloped) is becoming increasingly complex and unclear. There are emerging 'Souths' in the North and emerging 'Norths' in the South. Power is looking for new geographies, moving from the North and West to the South and East. Some emerging countries are situated in the so-called global South.

The global South as a category is no longer as easy to define or understand. Old coalitions still survive and new ones are emerging. Multilateralism is leading to the proliferation of governmental and non-governmental actors in various associations, groups and coalitions around specific issue areas.

The world is being redesigned by the emerging powers in a new relationship between economics and politics. New terms are being coined for various clusters of emerging countries¹ as well as the emerging economic and financial players.² More often than not they do not share a common agenda, but they are playing an increasing role in the world economy and in global politics.

Emerging countries? Emerging markets? Middle powers? What are their responsibilities in shaping the present world order? How will they behave? What challenges the emergents? Will they behave as big powers? Will they be the new oligarchy to run the world? Are they revisionists or do they promote the status quo?

Despite the fact that this phenomenon could raise these and more questions, this chapter will address two categories of emergent: the IBSA coalition and the BRICS. These two groups were born at the beginning of the 21st century, but with different origins. IBSA saw the light in 2003 as a governmental initiative, while the BRICs were first defined in 2001 by the economist Jim O'Neill from Goldman Sachs, as an acronym to describe big emerging markets.³ IBSA has been growing along the years, increasing its density as well as the co-operation among its members, while the latter has only recently gained momentum.

IBSA can be considered an emergent middle-power coalition in the sense that its members co-ordinate policies in multiple multilateral forums,⁴ using their 'soft diplomatic power' to promote their own agenda. Furthermore, and despite the fact that they have different but convergent claims, they strive to maintain a difficult balance between individual national interests and common ones. On the other hand, BRICS is a group of emerging markets with great potential to absorb inward investments. Considering their interests as a whole it seems that they have fewer possibilities of convergence and for this reason a greater difficulty in arriving at a consensus. As far as Africa is concerned, IBSA members are trying to co-operate, building common interests, while the BRICS have competitive interests in the region.

IBSA as a coalition

From its inception IBSA was thought as 'something relatively simple: a small group—only three countries—one in each continent of the South ... with an ever-increasing role in the world.'⁵ As stated in its trilateral official web page,⁶ IBSA is:

a coordinating mechanism amongst three emerging countries, three multiethnic and multicultural democracies, which are determined to contribute to the construction of a new international architecture, to bring their voice together on global issues and to deepen their ties in various areas. IBSA also opens itself to concrete projects of co-operation and partnership with less developed countries.

Despite its humble origins, the group gradually evolved and co-operation flourished among the three partners, assisted by an informal institutional structure, comprising various levels of co-ordination. The highest level is the annual summit of heads of state and government with their respective ministers of foreign affairs.⁷ The second level incorporates the ministers of foreign affairs.⁸ The third level is occupied by the 'focal points', who meet every six months. Behind them are the national co-ordinators, responsible for the activities of the 16 working groups.

The IBSA states have been the driving force representing the South in various international arenas, developing mechanisms for consensus building. They have shown an explicit compromise in co-ordinating their respective positions in negotiations carried out in different multilateral institutions like the United Nations (UN), the International Labour Organization (ILO), Food and Agriculture Organization (FAO), World Trade Organization (WTO, mainly the Doha Round), World Intellectual Property Organization (WIPO), World Health Organization (WHO), UN Educational, Scientific and Cultural Organization (UNESCO), conferences on climate change, and other institutional frameworks.

They also exhibit anti-hegemonic positions and a South-South discourse. In the case of India, South-South Co-operation (SSC) is conceived as a tool to strengthen the co-ordination of policies between developing countries⁹ and also as a means to obtain energetic resources and markets for Indian products.¹⁰ As far as Brazil is concerned, Lula da Silva's administration has defined SSC as one instrument of foreign policy and a useful tool to reduce asymmetries. Visualized as a process of coalition building among developing countries, SSC increases national capabilities to negotiate with the powerful.¹¹ Celso Amorim held that:

South-South cooperation is a diplomatic strategy that originates from an authentic desire to exercise solidarity toward poorer countries. At the same time, it helps expand Brazil's participation in world affairs. Cooperation among equals reinforces our stature and strengthens our position in trade, finance and climate negotiations.¹²

With the same perspective, SSC is a key element of South Africa's foreign policy to help the countries of the South to accelerate their economic development.¹³ Thabo Mbeki was 'a strong advocate of South-South solidarity and reform of the outdated global governance architecture' as a way to eliminate the 'global apartheid'.¹⁴ Current President Jacob Zuma followed his path.

Within this South-South Co-operation context IBSA created the Facility Fund for Poverty and Hunger Alleviation early in 2004. The first project was directed at Guinea-Bissau, to teach farmers new agriculture techniques, taking into account that this activity contributes 70% of the country's gross domestic product (GDP) and occupies 85% of the population.¹⁵ Another project aimed to renovate two health centres in Cape Verde, and a third one intended to strengthen capacities for the combat of HIV in Burundi.¹⁶

BRICS as an equation

At its inception 'BRICS' was a mere acronym showing a group of emerging countries: Brazil in Latin America, and Russia, China and India in Asia. South Africa joined the grouping in 2011. Despite the fact that BRICS members showed good macro-economic indicators, from the academic point of view little attention has been paid to their evolution until recently. There are various explanations for this. On one hand they were not articulate enough to project themselves together on the international scene, nor did they show any intention to co-operate among themselves; on the other they did not have any motivational interest to co-ordinate their policies and interventions until the 2008 financial crisis, which further gave them a *raison d'être*. From then onwards, the four countries met twice—at the level of ministers of foreign affairs and ministers of finance—to articulate a better position with regards to international economic governance. Immediately after, the financial G20 group was revitalized and met in Washington in 2008 and then at that time BRICS had its first summit in Yekaterinburg (Russia) on June 2009 to discuss economic and financial issues.

Regarding these meetings it is worth noting that the BRICS countries have taken advantage of previous organized gatherings where all or some of the members convened.¹⁷ The second BRICS summit was held jointly with the IV IBSA summit, in Brasilia in April 2010; the third one, held in Sanya, coincided with the Shanghai Cooperation Organization¹⁸ summit in April 2011. Under the banner 'Broad Vision, Shared Prosperity', the BRICS tried to present themselves to international society. The fourth BRICS summit was hosted in New Delhi on 29 March 2012, now under the overarching theme of 'BRICS Partnership for Global Stability, Security and Prosperity'. It seems that this is a new period, launched through four yearly meetings. Nevertheless, White¹⁹ argues 'If BRICS is to finally graduate from a mere market acronym, it

needs to move beyond being a talk shop of rhetorical promises and suggestions for universal economic development and get into the mould of global agenda setting'.

Furthermore, despite the relative youthfulness of the grouping, BRICS has generated increasing interest. In this sense scholars are divided between those who think that the BRICS were promoted by Russia²⁰ (as a means to recover its presence in the regional and international environment), and those who suggest that Brazil was the driving force with an agenda of consolidating the group as a forum for political dialogue in parallel to IBSA. It is worth noting that the follow-up of the two groups is under the responsibility of the same bureau at Brazil's Ministry of External Relations.²¹ The recent addition of South Africa has brought more complexity to the group. Current President Jacob Zuma openly submitted a request to join the BRICs club when he assumed office. On 23 December 2010, Chinese President Hu Jintao wrote him a letter informing him of the BRIC members' decision to invite South Africa into their group.

However, do the BRICS countries have much in common? What are their shared interests, apart from the fact that they are emerging markets? Three BRICS belong to the Asian region: Russia, China and India. In the post-Cold War years, Russia and China have intensified their co-operation. India has been neglecting its ties with Russia, until recently. On the other hand India and China are not very close friends. Nevertheless, the important fact is that they have common concerns on the Asian continent and meet to discuss core issues of regional security, including terrorism, religious extremism, political separatism, as well as to co-ordinate some of their policies. Brazil and South Africa are the main actors in Latin America and sub-Saharan Africa. They have substantially improved their bilateral relationship and are expected to play a role as regional leaders.

This being the case, what are the expectations in relation to Africa and in their relationships with African countries? In the first decade of the 21st century Africa has gained global strategic importance as some of the countries have started to display positive signs and have returned growth rates averaging 5% a year, until the 2008 international economic crisis. The African geoeconomic space presents a combination of opportunities that other countries, especially the central powers, are using: Algeria, Libya and the Gulf of Guinea Basin in the case of oil, oil explorations in East Africa, as well as the methane gas deposits discovered between Uganda, Rwanda and the Democratic Republic of the Congo, in Lake Kivu. Africa has also been dubbed the new green border, with the incorporation of new rice areas in Western Africa and corn areas in Eastern Africa.

In this context, post-apartheid South Africa stands out as a regional power. It has managed to sustain the stability of its new multi-racial democracy, keep its economic growth at an annual average of 4.5%, and broaden and strengthen its international participation at both African and global level. South Africa accounts for over 70% of the African continent's GDP, and its economy has an important influence on the continent.²² With a discourse in which South-South co-operation has a privileged place, and trying to avoid being considered a 'big brother', it has played sub-regionally and continentally through policies including the 'Africa Renaissance' or the NEPAD (New Partnership for Africa's Development). All this has made South Africa an attractive investment destination. Furthermore, the country also presents itself as the gateway to the African continent, as a hub of the sub-region and hard core both at the Southern African Customs Union (SACU) and Southern African Development Community (SADC). Between 2006 and 2007, South Africa was the main foreign investor (90% of the total) in the southern region. At the same time, 2007 found South Africa as the first receptor of foreign direct investment (FDI)—almost 80%—of Africa south of the Sahara.

All these considerations make Africa and South Africa more attractive. Because of the continent's natural resources it is likely that a new scramble for Africa could take place if the African

leaders are not aware of their strategic situation. In this regard, South Africa is not only the BRICS' new partner but a pivotal actor in the African priorities of the other four, with the risk of being used as a hinge in their relationship with the other African countries.

As briefly described in this chapter, each of the BRICs²³ has had its own landing in Africa, to promote its particular 'African strategy': in 2003, it was organized in Fortaleza, Brazil, the 'Brazil-Africa Forum'; in 2000, in Beijing, the 'Forum on China-Africa Cooperation'.²⁴ India has met twice, in 2008 and 2011. In the case of Russia, and despite the fact that in 2002 a 'Russia-Africa Business Council' was created²⁵ and that in 2009 a Coordinating Committee for Economic Cooperation with Sub-Saharan Africa (Afrocom) was organized, Moscow is lagging behind the other BRIC partners

Brazil's strategy in Africa

President Luis Inácio Lula da Silva's administration²⁶ started with impressive measures in regard to African countries and finished in the same way. The new emphasis on African policy sought to show coherence between domestic and foreign policy, responding to the growing internal demands of Afro-descendants, as Brazil has the biggest African population out of Africa. After two periods of government, Lula finished his term with a trip to Maputo on 9–10 November 2010, accompanied by President-elect Dilma Rousseff, trying to re-affirm the continuity of Brazil's African policy. He also participated in the World Social Forum of Senegal (6–11 February 2011), which was his first trip abroad since the end of his presidency.

In this context, it should be noted that Lula's African policy could not have been so convincing without a history of previous relations.²⁷ In 50 years, successive Brazilian governments gradually generated policies towards the African continent. Lula travelled 11 times to Africa and made 34 visits to 23 countries. To Brazil came several African presidents and high-ranking officials. In the context of these encounters, 346 international agreements were signed—67% of the 519 signed between 1960 and 2010. Boosted by its own demand for resources, Brazil-Africa trade grew rapidly showing a trade exchange that was almost a five-fold rise, the figures increasing from US\$4,254,180,859 in 2000 to \$20,563,823,980 in 2010. Brazil's 10 main commercial partners in Africa are: Egypt, South Africa, Angola, Nigeria, Libya, Ghana, Tunisia, Senegal, Kenya and Cameroon.

Together with the promotion of bilateral links, Brazil developed an active multilateral strategy, where South Africa is the privileged partner. In combination with the MERCOSUR-SACU negotiations, the IBSA dialogue²⁸ came to complete the Brazilian strategy of promoting an India-MERCOSUR-SACU Trilateral Free Trade Agreement. In a strategy of 'variable geometry' Brazil also promoted bi-regional initiatives like ASPA (South America-Arab Countries) and ASA (Africa-South America) summits, which gave substance to the South-South agenda.²⁹

Cultural and linguistic connections and a renewed Brazilian relationship with its Afro-descendant population have had an influence in making its development model especially attractive to many countries of Africa. Although Brazil's trade with these states shows a slightly negative balance, Brazilian companies' investments are growing fast,³⁰ in parallel to its process of trans-nationalization and its role as an emerging power.³¹ The key areas of investment are mining, oil, cement, finance and medicine.

Among the Brazilian companies, the most important is the Norberto Odebrecht construction company, one of the 10 biggest Brazilian exporters and the most competitive company in the petrochemical and gas sector, which started operations in Africa in 1984, with the construction of the Hydroelectric Station of Capanda in Angola. Vale do Rio Doce—world leader in the production of iron ore and second greatest producer of nickel—has operations in seven African countries, with South Africa being a significant partner. Camargo Correa Group, based in São Paulo, has very diverse assets, but cement and heavy construction account for 70% of its total income.

Mendes Júnior, which has operated since 1953 in the heavy construction market of Brazil and abroad, has also performed works in the road and airport segments in Africa. By the end of 2009, the Oswaldo Cruz Foundation (Fiocruz) made investments in Mozambique, building a factory for anti-retroviral medicines.

The Brazilian state-owned oil company Petrobras is also present in Africa. Petrobras operates at off-shore blocs in Senegal, Angola, Libya, Tanzania, Equatorial Guinea and Nigeria. Furthermore, the Banco do Brasil SA and the BNDES (Banco Nacional de Desenvolvimento) are supporting Brazilian companies' activities in Africa. The Banco do Brasil has a privileged investment relationship with Angola and Mozambique, and it has plans to open branches in all Africa.³²

Russia: 'a la recherche du temps perdu'

The decade of the 2000s witnessed a revival of Russia's interest in Africa, expressed in its new multi-dimensional foreign policy approach, which combined geopolitical priorities with a geoeconomic agenda. In parallel with Russia's acknowledgement of Africa's growing role in the contemporary world, Moscow designed a new roadmap in Africa³³ to obtain economic revenues and to flex its muscles on a global scale.³⁴

According to Hakan Fidan and Bülent Aras,³⁵ Russia-Africa relations in the post-Soviet period are shaped by 'intelligent pragmatism' (*razumnyi pragmatism*) in line with its national interests. Diplomatic relations should be 'economized'. This implies refraining from intervening in domestic politics, maintaining mutual respect for independence and territorial integrity, and recognizing the UN's role on the continent.

Africa is necessary for Russia's trade because of its rich natural resources. Despite the fact that Russia has above-ground resources, it needs to import manganese, chrome, mercury, titanium and aluminium, as well as other goods (rubber, sea products, fish, cocoa, coffee and tea) that are abundant in Africa. Furthermore, Moscow has successfully used its energy assets as a foreign policy instrument. This could be possible because Russia enjoys a privileged position on energy, in comparison with its other foreign competitors in Africa. Russia is the first producing oil country, but it is the second largest exporter, as it only consumes 27% of its total production.³⁶

A by-product of Russian co-operation in Africa is to seek control of African energy exports to Europe. The strategy could have two legs: to reassure the European pipelines coming from the East by building two new gas pipelines (avoiding 'unreliable' transit countries in Eastern Europe), and to control the supply from the southern Mediterranean. The major European players may have understood this and therefore the recent invasion to Libya could also have its roots in the European desire to have the control of the oil and gas route to their countries through North Africa, bypassing Moscow's and Beijing's strategies to manage African oil.

Big Russian firms operate in several areas and domains on the continent, like Gazprom, Alrosa, Norilskiy Nikel, Rusal Boksit, Lukoil, Tehnopromeksport, Stroytransgaz, Silovie Mashini, Tyajpromeksport, Russkiy Aluminiy and Renova.³⁷

As a heritage of the Cold War, many African armies are dependent on Soviet weaponry and technology. Russia has been selling arms to African countries since 1999 and in 2006 sales amounted to \$1.4 billion. In this respect there is a 'Guns/oil trade off': either the Africans transfer the shares of their companies to Russian firms or they authorize them to administer the mineral resources.

Algeria, Egypt and Morocco exemplify the North African countries with which Russia has traditionally had better relations. Among sub-Saharan countries, Russia's priority economic and political partners are Angola, Namibia, the Republic of the Congo, Ghana, Zimbabwe, Botswana, Mali, Guinea, Tanzania, Nigeria, Ethiopia and, most recently, the Republic of South

Africa. In 1999, Russia cancelled the debts of poor countries (the majority being from the African continent), totalling \$904 million.³⁸

India: a particular historical connection

The new India–Africa relationship could be described as the result of historical contacts between the two Indian Ocean Rim neighbours,³⁹ dating back to European trade, with the milestone of India’s support for African independence in the Bandung Conference of 1955, and the contribution of more than 2 million people of Indian origin now present in Africa.

After the start of economic liberalization reforms in 1991, India’s foreign policy towards Africa moved away from being driven by ideological principles. Consequently, it is highly pragmatic and largely shaped by trade, ‘soft power diplomacy’ and foreign assistance.

The two India–Africa summits (2008 in New Delhi and 2011 in Addis Ababa) have reinforced the South–South co-operation agenda and have formalized the framework of the relationship through a pragmatic partnership for economic co-operation. The priority areas are capacity building, agricultural infrastructure development, health and food security, energy security, and technological co-operation.⁴⁰ Two-way trade impressively rose from \$967 million in 1991 to more than \$9.5 billion in 2005, and stood at \$62 billion in 2011.⁴¹

India’s interest in obtaining supplies of energy and raw materials is the driving force behind its growing involvement in African countries, as India is the fifth largest consumer of energy in the world. At present, about one-quarter of India’s crude oil imports are being sourced from Africa. This explains why Indian national oil companies like the Oil and Natural Gas Corporation, Indian Oil Corporation, Oil India, Essar Oil, and Reliance have made significant investments across the continent. However, a large proportion of Indian FDI has also gone into infrastructure projects, engineering and chemicals, as well as services like banking, finance and information technologies and telecommunications. Indian pharmaceutical companies have also made major inroads into Africa.⁴²

To conclude, this co-operation wants something in return: African backing for a permanent seat for India if the UN Security Council were to be reformed. South Africa is a reliable and trustworthy ally, being the leading destination for India’s exports to Africa.

Is Africa looking eastward or China looking for Africa?

With a constant GDP annual growth of 9% for more than 10 years, China was pushed to search for new commodity suppliers to buy oil, minerals and grains. China produces half the energy it consumes, being the second largest oil consumer and oil-importing country.⁴³

Like the other BRIC partners, its main target is African natural resources. Almost 90% of Chinese imports from Africa is of raw materials, especially oil (64% in 2009) and other minerals. Five countries provide 57% of the purchases: Angola 19%, South Africa 17%, Nigeria 7%, Sudan 7%, and Egypt 7%. South Africa is China’s second biggest African trading partner.

Chinese foreign policy objectives in Africa are to strengthen an economic alliance and promote social programmes based on the Principles of Peaceful Co-existence. These objectives were laid out at the impressive summit in Beijing in 2000 and strengthened by the creation of the Forum on China–Africa Cooperation (FOCAC). They were also reinforced by reciprocal heads of state visits.

A very important agent for Chinese involvement is the Chinese Communications Construction Company Ltd (CCCC), the biggest Chinese corporation involved in the construction of strategic links, like ports, bridges and roads. The Chinese invest in productive areas and

organize 'special economic co-operation zones'—exporting industrial hubs with fiscal incentives, connected with the world. Zambia, for instance, will be the 'metal hub'.

South Africa: the gateway to Africa

South Africa's key priority in Africa is to promote political stability and economic growth so as to create a better environment for African development. South African vision is of 'an African Continent, which is prosperous, peaceful, democratic, nonracial, nonsexist and united, and which contributes to a world that is just and equitable'.⁴⁴ For the government, African renaissance and NEPAD strategies are at the core of its foreign policy, as South Africa's destiny is absolutely connected with the region as far as the policy makers are concerned.⁴⁵

Although Pretoria plays a significant role in international relations, it is trying to avoid being stigmatized as the big brother. However, it cannot refrain from promoting itself as the gateway to Africa, irrespective of the other African governments' opinions. In words of the South African Minister of International Relations and Co-operation Maite Mashabane: 'we are a good door for the BRICS countries. Even if our population is small, we have the most diversified economy of the continent and we not only speak on behalf of South Africa but in the name of Africa as a whole.'⁴⁶ From another perspective, a Report of the Standard Bank (one of the big four in South Africa) argues that South Africa has institutional stability, good financial markets and effective regulations to attract multinational corporations working in Africa.

The idea of 'bridge builder' is always present in speeches, showing the role and at the same time the responsibility of representing Africa and the Southern African region. Although a 'soft economic diplomacy' was displayed in the region through the South African private sector, the government has chosen a 'hands-off approach' to avoid critics from other African countries.⁴⁷

Conclusions

Finally, what is better for South Africa and Africa: IBSA or BRICS? In terms of South Africa any improvement of participation in multilateral forums will give Pretoria a better position in international affairs and increase its 'soft power'. This could help South Africa to defend its own agenda together with the wider African agenda, for example in the case of climate change negotiations.

However, it should be taken into consideration that together with its good performance and its recent democratic history and tragic past, the fact that Pretoria assumes the representation of the whole African continent is a relevant asset that has helped South Africa to be incorporated either into IBSA or BRICS or in any other group.

The result of IBSA can be potentially leveraged to advance Africa's agenda. On the other hand, the dynamics between BRICS countries and their competitive and individual approach to Africa in search of raw materials and markets can be viewed as a possible predatory replication of the historical links the continent had with Europe. South Africa is 'in between', a 'pivotal actor' in the sense of introducing itself as the gateway to Africa. The challenge for South Africa and the rest of Africa is to acquire control to determine who can access and leverage the gateway for the benefit of the continent's citizens.

Notes

- 1 In recent years, new terms appeared to describe the largest developing countries such as BRIC, BRICET (BRIC + Eastern Europe and Turkey), BRICM (BRIC + Mexico), BRICK (BRIC + Republic of Korea), among others.

- 2 Financial services companies, credit rating agencies, sovereign wealth funds.
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- 6 www.ibsa-trilateral.org (accessed 14 July 2011).
- 7 Brasília 2006; Tshwane 2007; New Delhi 2008; and Brasília 2010.
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- 9 *Annual Report 2010–11, Ministry of External Affairs*, New Delhi: Government of India, 2011, meaindia.nic.in/mystart.php?id = 500417371 (accessed 18 July 2011).
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- 16 F. Soulé-Kohndou, 'Un fondo con objetivos diplomáticos', *Le Monde Diplomatique, El Dipló*, 141, Buenos Aires (March 2011): 13.
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- 18 With headquarters in Beijing, this intergovernmental organization was founded in 2001 with China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan as full members. India, Iran, Mongolia and Pakistan are observers.
- 19 L. White, 'BRICS Must Unite in a Bid for the Top IMF Job', *Business Day Today*, 2 June 2011.
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- 21 C. Frías, 'La cooperación y coordinación entre potencias emergentes: IBSA y BRIC', II Jornadas de Relaciones Internacionales, FLACSO, Buenos Aires, 2010, 22, rrii.flacso.org.ar/web/wp-content/uploads/2010/09/Frias-Lacooperaci%C3%B3n-y-coordinaci%C3%B3n-entre-potencias-emergentes-IBSA-y-BRIC.pdf (accessed 16 July 2011).
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- 24 More than 80 ministers from China and 44 African countries, representatives of 17 regional and international organizations, and people from the business communities of China and Africa were invited to the conference. The conference charted the direction for the development of a new, stable and long-term partnership featuring equality and mutual benefit between China and African countries: www.focac.org/eng/ltada/dyjbzjhy/CI12009/t157577.htm (accessed 28 November 2012). The Beijing Meeting was followed by the second Ministerial Conference in Addis Ababa, Ethiopia, in December 2003, and the third one took place again in Beijing, in November 2006. The fourth one was held in November 2009 in Sharm El Sheikh, Egypt, and the most recent (at time of writing) in Beijing in July 2012.
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- 36 See www.wto.org/spanish/news_s/pres11_s/pr628_s.htm (accessed 25 August 2011).
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- 38 Fidan and Aras, 'The Return of Russia–Africa Relations', 59.
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- 40 S. Naidu and H. Herman, 'No "sleeping walking" in Africa', *Institute for Global Dialogue (IGD)* 13 (2 August 2008): 4–5.
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Iran-Africa relations

The troubled bridge of Third World dialogue

Jason Warner and Carol Jean Gallo

Introduction

Typically overlooked in the academic study of international relations are the relationships that exist between states in the so-called global South, and the ways in which those states jockey for influence and power among each other. In 1998 Neuman asserted, ‘the role of the Third World in international politics remains relatively unexplored in the literature’¹—a trend that has largely persisted over the last decade.

This chapter examines the historical and contemporary development of Iranian–African discourse. It discusses the ways in which Iran and African states talk to each other in the public and diplomatic realms, particularly in how their rapport has been steeped in rhetoric around ‘Third World’ or ‘global South’ solidarity, religious sentiments and regional security. More specifically, it investigates how alliances between Iran and African states have been cultivated and broken, and how the actions of each have contradicted public discourse.

Third World speech

After decolonization began after the Second World War, states in the global South often engaged with one another through a bridge of ‘Third World speech’ or ‘Third Worldism’—a discourse that presaged the emergence of the Non-Aligned Movement (NAM). Third Worldism was primarily concerned with resistance to both hegemonic powers during the bipolar order of the Cold War, a stance in which states refused to side with either pole.² It was characterized by a discursive focus on a number of ostensibly uniquely Southern issues, including: opposition to Northern hegemony; South–South solidarity; the sovereign equality and independence of nations; non-interference in internal affairs; and recognition of the perceived neo-colonialist underpinnings of global affairs.³ This did not, however, prevent states from instrumentalizing the ideology of Third Worldism while also manipulating Cold War politics.

Since the landmark 1955 Bandung Conference⁴ that set its discursive tone, Third Worldism has gone through a number of changes. Morphing from the early anti-colonial nationalist movements of the 1950s and 1960s into the NAM of the Cold War era, it has more recently been manifest in the new transnational anti-Bretton Woods and anti-neo-liberal movements of the 1990s and 2000s. Regionally, Third World speech has been incubated in the intellectual paradigms of Négritude, pan-Africanism, African socialism and Afro-Marxism in Africa and the

Caribbean, and in pan-Arabism and Maoism in the Middle East and Asia. Bilateral relations have also been based on such rhetoric. The People's Republic of China and Africa have had an understanding of sovereignty based on the equation of self-determination and anti-imperialism, while states in the Caribbean and sub-Saharan Africa have rooted their solidarity in a pro-black pan-African nationalism. Leftist leaders in Latin America have also evoked pro-South solidarity as the basis of their friendship, with countries across the Middle East, Asia and Africa.⁵

At the same time, and often overlooked, is the fact that these Third World discourses belie the power dynamics that exist between global South states. Although they are frequently lumped into the homogenously 'weak' or 'marginal' categories of 'global South', 'Third World' or 'post-colonial states', the reality is that these states vary radically from each other in their abilities to pursue their goals in the international arena. Nevertheless, states across the developing world tend to frame their relationships in terms of equality. The result has been that power differentials within the global South are glossed over as stronger states seek to consolidate political power and diplomatic capital by playing to Third Worldist proclivities. This tendency is particularly visible in Iran, which today uses the rhetoric of global South speech to advance its geopolitical goals in Africa, and in African states that use similar language in an attempt to secure various kinds of external support.

Historical and contemporary contours of Iran-Africa relations

Though Iran gained independence in 1921 and the majority of sub-Saharan African states gained theirs by the early 1960s, the two regions have deep historical ties. Before European colonialism, Persian-African relations were primarily based on trade. As early as the ninth century migrants from the Persian Gulf were settling in urban areas in East Africa,⁶ and Iranian merchants were visiting East Africa by the 16th century. Many of their descendents can still be found there today.⁷

After the wave of African independence in the late 1950s and early 1960s, African relations with Iran might be characterized as ideological, with a moderate undercurrent of Iranian patronage.⁸ In the aftermath of the global oil boom of 1974, Tehran's treasury was inundated with cash, which Iran declared it would use to help African states develop.⁹ In addition, Cold War politics led Iran to provide support for African insurgent movements fighting regimes it perceived to be supporters of Western imperialism. When Mao Zedong, a supporter of what would become Nelson Mandela's African National Congress, died in 1976, leaders of the South African movement quickly turned to Iran and Libya for assistance.¹⁰

The Iranian Revolution of 1979 signalled a shift in Iranian foreign policy, not least toward Africa. With the Revolution—which saw the overthrow of the US-supported Shah and the installation of the Ayatollah Khomeini—came a rejection of US sympathy, a ramping up of anti-imperial rhetoric, and the desire to export the Revolution's conservative version of Islam. For Africa, the Iranian Revolution signalled both continuity and change. Unchanged was the pro-South, anti-imperial language of solidarity, but a new dimension, which resonated with many African states, was Iran's promotion of Shi'a Islam. The most ardent African supporters of Iran's grafting of anti-imperialism onto conservative Islam were Sudanese insurgents such as Omar al-Bashir, the current president of Sudan, who launched a coup based broadly on the Islamist ideals of the Iranian Revolution.¹¹ However, while Africa borrowed from Iran's ideological playbook throughout the early 1980s, relations did not truly run deep. During the period between 1980 and 1988, Iran's war with Iraq was its overriding concern. Thus, while relations during this era were outwardly friendly, they may be said to have been superficial at best.¹²

With the end of Iran-Iraq War and the end of the Cold War, Iran's policy toward Africa between 1988 and 2005 continued to be ideologically based in pro-Third World rhetoric. Iran

remained friendly with African states diplomatically through the discourses of Third Worldism and Islamism, quietly dropping the anti-imperial tinge in its unsuccessful attempts to befriend the West. In the end, Africa continued to play a marginal role in Iran's international calculus.

Western hostility toward Iran was no longer to be tolerated once Mahmoud Ahmadinejad, the ultra-conservative former mayor of Tehran, was elected President in 2005. Under Ahmadinejad, Iranian foreign policy has been described as 'muddled', 'badly fragmented', 'far from monolithic'¹³ and 'lacking consensus', all leading to 'inadequate implementation'.¹⁴ This inconsistency has been particularly manifest in Iran's relationships with African states. For instance, in 2005 Iranian envoy Mohammad-Reza Bagheri said in Ghana that Iran had made Africa a 'top priority'.¹⁵ Yet by 2008 he recanted, saying Iran had 'no long-term strategy for relations in Africa'.¹⁶ In 2008 Ahmadinejad claimed that there were 'no limits to the expansion of [Iran's] ties with African countries'.¹⁷ The next year, at the last minute, he cancelled his visit to an African Union (AU) summit in Libya, with a spokesman claiming: 'The president called off the trip because he was too busy and the visit was not among his top priorities.'¹⁸ One observer summarized:

At present, over 300 [Iranian] agreements with African states have not been put into effect. There are unconfirmed reports that 22 of the 26 African ambassadors in Tehran have complained that investment pledges have not been delivered on. According to some unconfirmed news, the ambassadors of 22 African countries have threatened to cut off their relationships with Iran because Tehran's authorities have not kept their promises of investing in projects in these countries.¹⁹

Despite African apprehension, Iran has tried to cement its relationship with Africa via anti-Western rhetoric. In Kenya in 2009, Ahmadinejad warned the continent to remain vigilant and disallow 'the hooligan countries [of the West] to return and rob its countries'.²⁰ In the Democratic Republic of the Congo (DRC), Iran asserted that its friendship with the country was founded upon a common opposition to 'Western countries and a number of big powers [which] strive to plunder the resources of the African nations and colonize them'.²¹ Gambia and Iran have rallied around the notion that they were both being antagonized by 'bullying' Western hegemony,²² while Ahmadinejad and Zimbabwean President Robert Mugabe ruminated on the 'need to come up with a coalition for peace in response to the aggression of global bullies'.²³

Like all Iranian foreign policy on Africa prior to 2005, Iran is continuing to talk an anti-imperial and pro-South game to Africa. However, for the first time since becoming a state, Iran is undeniably seeking to exert its hegemony on the continent. Ironically, to do so, it is fashioning itself as an equal partner to African countries.

To this end, Szrom delineates Iran's four-pronged approach to courting African allies: through diplomacy, economics, culture and defence.²⁴ Iran's three non-security-related tactics are easily evidenced. Diplomatically, Iran has undertaken two broad sweeps to court African allies during Ahmadinejad's term, the first coming in 2005 and the second in 2010. Iran signed a slew of memoranda of understanding (MoUs) with African states on issues such as education, agriculture, scientific exploration and energy. By 2011, Ahmadinejad's schedule had taken him to Senegal, Zimbabwe, Uganda, Mali, Nigeria, Djibouti, the Comoros, Kenya, Sudan, Algeria and Gambia, in addition to Tehran having dispatched ministerial-level delegations to improve relations with other strategic allies such as Ghana, Angola and South Africa.²⁵

Culturally, Iran has reaffirmed its alliance with Africa through their mutual histories of colonialism and, in some cases, their religious affinity. Yet it is the economic realm in which

Iran has been most active. With the creation of new 'air links, transportation and the founding of joint banks' in some 48 African countries,²⁶ the opening of car manufacturing plants,²⁷ and offers of oil for South Africa and Kenya and oil-refining expertise to Uganda,²⁸ Iran has been cultivating trade relations across the continent. It has made notable inroads in promoting economic development, investing across Africa in energy, transportation infrastructure, information and communications technology, agriculture, rural development and technological training in the Comoros, Gabon, Burundi, the Central African Republic, Uganda, Ghana, Niger, Sierra Leone, Burkina Faso, Zambia, Mali and Mauritania.

Perhaps most important is the fourth type of Iranian enticement for African states: security co-operation. These military and security relationships are the focus of this chapter.

Iran-Africa security co-operation

One of the ways Iran has sought to garner allies in Africa is through military assistance. While Iran talks to Africa using the language of global South speech in order to rally support, these discursive practices are often contradictory to the actual courses of action undertaken by Iran. This section highlights three specific areas of Iran-Africa security co-operation: nuclear technology, bilateral and anti-government military support, and anti-piracy initiatives.

Iran's nuclear ambitions: a peaceful programme, except when it isn't

In 2003 Iran announced its plans to develop facilities that could produce enriched uranium. The International Atomic Energy Agency (IAEA) paid several visits to the country and insisted all details be revealed. Ahmadinejad's refusal to allow inspections by the IAEA led to four sets of international sanctions against Iran in 2006 and 2007.²⁹ These sanctions have led Iran feverishly to seek out international allies: 'Iran is always trying to expand its areas of diplomatic and economic influence to counterbalance against its own isolation.'³⁰

As it has done in various international forums, Iran has a tendency to talk about its nuclear programme with African states in peaceful terms, claiming that its programme poses no real threat to international security. African states are by and large in support of Iran's right to peaceful development of nuclear technology for civilian purposes. Djibouti has come out as an advocate of Iran's right to peaceful nuclear technology, going so far as to praise Tehran for its determination in accessing it.³¹ Kenya, which faces its own enormous energy security challenges, has shown support for Iranian nuclear technology in the hopes of receiving assistance in potentially developing its own nuclear power.³² In November 2010, in an attempt to garner support from less enthusiastic countries, Ahmadinejad toured West Africa visiting Burkina Faso, Ghana, Togo and Benin.³³

Yet the docility of Iran's nuclear programme has been called into question and many of its current activities in Africa, such as its attempts to procure uranium on the continent, have raised red flags. Since Ahmadinejad's election in 2005, obtaining uranium from Africa has become an increasingly high priority for Iran. In 2006, the Somali government accused Iran of attempting to provide a range of weapons to the insurgent Union of Islamic Courts in exchange for access to Somali uranium deposits. A UN investigation found that Iran had supplied the group with military assistance³⁴ and also insinuated that Iran 'may have sought help in finding uranium in the hometown of Somali Islamist leader Sheikh Hassan Dahir Aweys'.³⁵ Tehran denied the allegations.

Under Ahmadinejad's watch in 2006, a UN investigation reported that Tanzania had intercepted a shipment of uranium-238 bound for Iran which originated in the DRC. The

Congolese government denied reports that it had shipped any uranium to Iran; some observers assumed nuclear theft or smuggling.³⁶ In 2007, other reports surfaced accusing the head of the DRC's Atomic Agency of smuggling uranium to Iran after the IAEA began investigating Iran's nuclear programme.³⁷ In Harare, Tehran signed an MoU promising to overhaul Zimbabwe's oil refinery and offer long-term fuel supplies in exchange for exclusive mining rights of 'strategic' minerals, including uranium.³⁸ More recently, in 2011, reports revealed that Iran's foreign minister had met with a representative of Zimbabwe's mining agency to 'resume negotiations ... for the benefit of Iran's uranium procurement plan'.³⁹ Iran also had great interest in Niger's uranium deposits, but fled the country after the overthrow of President Amadou Tandja in March 2010.⁴⁰

In light of these activities, many African states have become sceptical about Iran's nuclear intentions. The Kenyan *Daily Nation* noted that Iran's 'push for regional influence through commercial ties is not unrelated to the chilly relations it has with the West ... for refusing to abandon its nuclear programme'.⁴¹ While Nigeria has come out in support of Iran's right to develop a peaceful nuclear programme, it too has voiced doubts about Iran's intentions. At the 9 June 2010 meeting of the UN Security Council, Nigeria asserted that 'Iran ... has clearly violated its obligations to the [Nuclear Non-Proliferation] Treaty', and its non-compliance with the IAEA 'raises genuine doubt on the real direction of its nuclear activities'.⁴² For its part, Nigeria has been working on developing its own nuclear technology, and during the summer of 2012 the Nigerian Nuclear Regulatory Authority assured the world at a press conference that Nigeria could handle nuclear energy in accordance with international law.⁴³

Playing both sides: Iran's bilateral and sub-national militia funding

As one of the largest arms producers world-wide, Iran has ingratiated itself with African leaders through its willingness to sell weapons to African governments. Yet Iran's foreign and security policies suffer from internal contradictions. While on one hand Iran offers assistance to African militaries, it has also been accused of funding and arming non-state African militias, many of which hold the state—and their militaries—as their principal object of dissatisfaction. Iran's indiscriminate weapons sales, described recently as 'hypocritical, two-faced and highly dangerous',⁴⁴ are reflective of discursive tensions in its larger Africa policy.

When it comes to Iran's military co-operation with African states, proclamations are broad, few details are divulged and evidence of follow-through has been scant. In 2009, Iran and Tanzania agreed to establish 'a formal agreement on future military and defense cooperation',⁴⁵ and in the Comoros Iran has agreed to 'help train ... police and security forces'.⁴⁶ The South African defence minister visited Iran to 'discuss defense related cooperation between South Africa and Iran',⁴⁷ and other reports assert that Iran has offered Gambia assistance in 'intelligence and security'.⁴⁸ Other countries that have made military agreements with Iran include Djibouti,⁴⁹ Eritrea⁵⁰ and Senegal.⁵¹ Bilateral military engagements also extend into African provision of land for Iranian military bases: in 2010 Zimbabwe agreed to let Iran open a military base on its soil.⁵² Eritrea has also been accused of hosting an Iranian military base, a claim both countries deny.⁵³

At the same time, Iran is accused of funding non-state militias, something it has been doing for nearly two decades. In 1993 Zambia accused Iran of funding the United National Independence Party, which sought to overthrow then-President Frederick Chiluba.⁵⁴ Iran also funded the Eritrean Liberation Front in its attempts to obtain independence from Ethiopia, which it achieved in 1993. This trend continued under Ahmadinejad. In 2006, Iran was accused of funding the group that dedicated itself to the overthrow of the Transitional Federal Government in Somalia, the Union of Islamic Courts.⁵⁵ Among the supplies Iran sent them,

according to US intelligence, were shoulder-fired surface-to-air missiles, anti-aircraft weaponry and anti-tank missiles.⁵⁶

In 2007, Algeria accused Iran of transferring funds to al-Qa'ida in the Islamic Maghreb (AQIM) to assassinate the president.⁵⁷ In 2009, Morocco broke ties with Iran, claiming that Iran was trying to undermine the national government in an act of 'intolerable interference', by attempting to convert the overwhelmingly Sunni population to Shi'a.⁵⁸ Even more recently, a French exposé surfaced detailing how Iran has been exporting its brand of Shi'a Islam to Sunni-dominated northern Nigeria, where conservative Muslims have long been seeking to institute Islamic law in what would signal a de facto secession from the rest of Nigeria.⁵⁹ While no direct links have yet been shown to exist between Iran and Nigeria's home-grown terrorist group Boko Haram, the ideals of the Islamic Revolution have had an indelible impact on those seeking to instate Shari'a (Islamic law) in northern Nigeria.⁶⁰

While detrimental to Iran's reputation on the continent, these accusations pale in the shadow of the West African arms-trafficking scandal that rocked Nigeria, Gambia and Senegal in October 2010. Despite the fact that Iran had been under UN arms sanctions since 2007, inspectors at a port in Lagos discovered a shipping container labelled as construction materials loaded with machine guns, rocket launchers, rocket-propelled grenades, assault rifles⁶¹ and ammunition, which had originated from Iran.⁶² Nigerian security forces suspected that the shipment was being supplied by Iran to local anti-government militias such as the Movement for the Emancipation of the Niger Delta in the south-east⁶³ or Hisbah militias seeking to institute Islamic law in the north.⁶⁴ More damning, two members of a secret arm of Iran's Revolutionary Guard, the Quds Force, were implicated in the seizure.⁶⁵ Iran demurred, claiming the shipment was intended for 'another West African country'.⁶⁶

That country turned out to be Gambia. Once revealed that Gambia was the intended recipient of the Iranian arms, outrage ensued in neighbouring Senegal, which had long suspected Banjul of funding the Mouvement des forces Démocratiques de Casamance, a movement that has been seeking independence from Dakar since the 1960s. Senegal immediately cut off relations with Iran, with the foreign minister saying that 'his country could not maintain relations with a country that was working to destabilize it'.⁶⁷ He was vindicated in February 2011 when it was revealed that Casamance rebels had killed three Senegalese soldiers using Iranian weapons.⁶⁸ Gambia was enraged at the revelation, and also cut relations with Iran. The sense of apprehension was palpable in the aftermath of the debacle, with one security official surmising: 'This was a sophisticated operation undertaken by Iran's Revolutionary Guards to destabilize a number of governments in West Africa ... It is a major diplomatic embarrassment for Tehran at a time when Iran claims it seeks to improve relations with countries in the region.'⁶⁹

Though Iran has offered bilateral military assistance to gain African allies, it has shown that state militaries are not the only armed groups it is willing to fund. The broader trend of falling on one side or the other is sure to raise eyebrows: if Iran isn't financing my military, is it funding the group that's fighting it?

Subversion, ahoy: fighting piracy and supporting armed movements

Arguably, Iran's most pressing geopolitical interest in Africa is gaining de facto control of the Red Sea and Gulf of Aden. For Iran, control over the Red Sea ensures it can pull the strings in its involvement with groups such as Hezbollah, Hamas, al-Qa'ida and other pro-Iranian groups in the Middle East, as well as protect itself in the case of attack on its nuclear facilities.⁷⁰

Since 2008, Iran has expressed a devotion to anti-piracy activities in the Gulf of Aden and in the Red Sea, where it has been conducting anti-piracy patrols since November of that year.

Since then, Iran's navy claims to have escorted nearly 1,000 Iranian vessels through the Gulf of Aden, during which time there have been at least 30 instances of heavy fighting with pirates.⁷¹ In March 2011, Iran proclaimed that its navy was going to take a more aggressive stance in policing these waters, though it assured the world that its ratcheting-up of naval activities should not to be interpreted as adversarial.⁷²

In its effort to combat piracy, Iran is collaborating with a number of African navies. The navies with which Iran has been most actively co-operating are those that exist in its desired sphere of influence in the Horn of Africa: Sudan, Somalia, Eritrea and Djibouti. Iran's stalwart ally Sudan has received substantial assistance in naval affairs, beginning in 1993 when Iran helped it buy 20 Chinese aircraft, presumed to be Nanchang A-5s. Soon after, Sudan granted Iran's navy full access to its facilities.⁷³

In June 2009, Iran signed an MoU with Somalia that granted it the ability to dock ships on its coast for the purposes of fighting piracy and anti-government terrorism,⁷⁴ and Djibouti signed an agreement with Iran in January 2011 on naval co-operation to combat piracy, smuggling and terrorism. Iran also agreed to give the Djiboutian navy training and offered to collaborate on the provision of security for Djiboutian fishermen and commercial vessels.⁷⁵ Egypt allowed Iranian ships access to the Suez Canal for the first time in 30 years in early 2011,⁷⁶ though no formal assistance to the Egyptian navy has been established as yet.

While Iran has come into the Horn largely supportive of anti-piracy efforts and, in the case of Somalia, counterinsurgency, its history in the region has included support to certain Middle Eastern armed factions operating and training in Africa. In 1992, Iran sent some 2,000 members of the Revolutionary Guard to Sudan, in part to help train Hezbollah,⁷⁷ and in 1996 Israel lodged a formal complaint to South Africa accusing it of harbouring Hezbollah training camps alleged to be underwritten by Iran.⁷⁸ Today, some observers speculate that Iran's presence on the Horn is to abet it in channelling weapons and fighters to such groups, most presumed to be anti-Israeli.⁷⁹

Observers have noted that Iran's grand strategy includes the creation of 'Hezbollah franchises' throughout Africa.⁸⁰ While such subsidiaries exist throughout the Horn, a great deal of Iranian effort has been centred in West Africa, where Hezbollah is estimated to raise hundreds of thousands of dollars a year through the lobbying efforts of Lebanese expatriates.⁸¹ Côte d'Ivoire and Senegal are also known to be zones of Hezbollah fundraising in Africa,⁸² though Iran and Hezbollah have penetrated other African states as well. In 2004 a plane on its way to Lebanon from Benin crashed during takeoff,⁸³ and it was later discovered that two of the victims were carrying some US\$2 million in cash donated by West African states to finance Hezbollah.⁸⁴ Reports in 2011 revealed an extensive Hezbollah network operating in Gambia, directed by the country's President Yaya Jammeh. After greater scrutiny of the botched Iranian arms deal, the local newspaper *Freedom* asserted that Jammeh had been importing Iranian arms for resale to local Hezbollah affiliates for years, and had allegedly made \$100 million per year on such trafficking deals.⁸⁵

Iran has also used Africa as a site of contestation to work with al-Qa'ida. In 1993 the Sudanese government mediated discussions between Iran and al-Qa'ida with a view to setting aside their differences and uniting against the common enemies of Israel and the USA.⁸⁶ Algeria has accused Iran of training AQIM militants.⁸⁷ Iran has also been accused of training and channelling money to Houthi factions fighting the government in Yemen, using the city of Ginda, Eritrea, as a base.⁸⁸

More recently, Iran's presence as the pre-eminent Muslim country to forge ties with Africa has been severely hampered by Turkey's newfound interest in the continent. As a new cornerstone of its foreign policy, Ankara has taken on a particularly aggressive new developmental role in Somalia,⁸⁹ where it is working to undercut Tehran's perceived troublesome regional meddling there.⁹⁰ Elsewhere, increased discord within the Sudanese government has coincided with disparate student and professional protests around the country. Among the sources of

tension in the government is Khartoum's relationship with Tehran, with the Sudanese foreign minister becoming increasingly critical of the country's close ties to Iran.⁹¹

Conclusion

The preceding investigation has shown that while ties between Iran and Africa have occurred in a number of transnational spaces, arguably the least understood is the sphere of security co-operation. One of Iran's tactics to establish a rapport with African states has been the employment of so-called global South speech, which, while evoking motifs of unity, equality and solidarity, camouflages Iran's unequal power advantage.

As African states' relationships with Iran continue to unfold, they would be wise to continue to approach Tehran—a likely continued global pariah—with caution. While Iran appears to be able to offer African states substantial assistance as regards foreign and military aid, the existence of alternative Muslim allies like Turkey, as well as Tehran's unreliable employment of global South speech, should suggest better options are likely to be found.

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Conclusion

The prospects for Africa's international relations

Tim Murithi

Introduction

This collection of chapters on Africa's international relations is timely. If there was any doubt as to the vitality and dynamism of Africa's international relations, the chapters in this book will assuage such sentiments. There is a perceptible continental shift towards a more robust engagement with the continent. However, Africa is not yet out of the proverbial woods as far as how it engages with the rest of the world. For example, despite all of its natural resource wealth, the African continent continues to endure the vagaries of under-development. This is due to a volatile combination of internal mis-rule and a still ravenous group of global actors who are not yet satiated by their exploitation of the continent. Given where the continent has come from in terms of its historical experiences with slavery, colonialism and globalization, the prospects for Africa's international relations are positive. The spirit of Pan-Africanism is once again gradually emerging to animate and inform how the continent will put its house in order as well as how it will engage and re-frame its relationship with its global neighbours. This concluding chapter will draw together some themes which shed light on the prospects for Africa's international relations.

The persistence of paternalism in Africa

Under-development also persists in Africa, because its member states are constantly competing among themselves for the limited access to international markets rather than working in concert to dictate to the global economy. Corruption within the extractive industries (oil, timber and minerals) in collusion with undemocratic African governments also deprives Africa of vital resources which can fund development. Profit made by transnational corporations in these industries is exported out of the continent and the corporate taxes generated are used to develop the global North at the expense of local African people. Modern day developmental paternalism is more sophisticated and dresses itself up as a kind and gentle helping hand with benign and benevolent intentions. In reality it seeks to maintain a 'master-servant' relationship and does not envisage the genuine empowerment and independence of thought in Africa. The net effect of this is to disempower Africans from deciding for themselves the best way to deal

with the problems and issues they are facing. So-called international development ‘experts’ are available at every turn, flaunting their development funds to compel Africans into adopting their ideas. Some of these ‘ideas’ may be detrimental to the well-being of the African continent. The funds they flaunt become legalized tools for leverage, coercion and ultimate dominion. A form of colonialism is therefore still taking place in Africa, albeit with a much more concealed and insidious face.

The reality in Africa is that aid to a large extent is synonymous with influence peddling, which is in effect a hidden form of manipulation, control and coercion—or colonization. Aid colonization is therefore the premeditated utilization of aid to manipulate, control and coerce the recipient to fulfil the donor’s agenda. The persistent politics of superiority of nations and races reproduces itself in the 21st century, albeit couched in the language of fiscal discipline, trade-economic liberalization and ultimately aid disbursement in a manner that clearly benefits the minority of powerful countries at the expense of a poorer majority of countries. The logic of a new form of 21st-century colonialism or neo-colonialism is implicit in these relationships. In her revealing book *The Whiteness of Power: Racism in Third World Development and Aid*, Paulette Goudge argues that far from contributing to the genuine prosperity of recipient countries, most aid to developing countries merely serves to maintain the global power relations of domination and subordination.¹ Goudge maintains that some of these relationships are maintained by an unconscious (and occasionally conscious) racist attitude of superiority which echoes the colonialism of the 20th century.

It is on this basis that Oswaldo de Rivero’s book suggests that we are in fact dealing with *The Myth of Development*.² Development is presented as a ‘humanitarian crusade’ in which the kind, righteous and charitable of the world come together to help the poor. The reality is that in a lot of instances development is more a product of self-interest rather than genuine moral commitment. Business interests and rapid capital accumulation, as discussed above, have often driven official development assistance agendas. Aid packages tend to be filled with conditionalities which perpetuate a kind of paternalism towards the recipient and undermines their autonomy. In effect, aid becomes a mechanism for the control, coercion and dominion of recipient societies.

From paternalism to partnership: towards a strategic re-orientation of Africa’s international relations

Africa’s advancement has to a large extent been hindered by the inability of the continent’s leaders to act as a genuinely unified force in international relations. African governments generally tend to adopt positions that best serve their interests or positions that enable them to receive certain benefits from more powerful countries that pick and choose which countries they want to work with. Therefore, the logic of ‘national self-interest’ and political realism still prevails among African countries. The responsibility for transforming this situation and advancing the continent’s interests therefore rests with Africa’s leaders and citizens who should hold them to account.

The most effective way to avoid paternalism, resource exploitation, aid colonization and other forms of subjugation is for the African continent to overcome its dependence on external actors, and this cannot be achieved without continental integration. There are enough resources within the African continent to operationalize and fund an indigenous recovery, reconstruction and development programme. However, these resources cannot be managed and disbursed to fund development exclusively on a national level, as they currently are; they would need to be harnessed through a framework of continental integration to which African countries voluntarily agree and subscribe. Continental integration in and of itself will not assure an

indigenous-driven development programme. It has to be premised on and buttressed by a commitment by African governments and societies to a number of principles, norms and policies. Primarily, these would include economic transparency and democratic governance. A lack of transparency in democratic governance means that Africa's resources have systematically been mismanaged because dictators, oligarchs and pseudo-democrats who tend to ignore human rights, the rule of law and citizen participation in political affairs tend to hoard the national wealth of their countries. While there is a role for external actors in encouraging countries to make the transition to more open and democratic societies, genuine change can only be brought about when domestic, sub-regional and pan-African institutions like the African Union (AU) and its actors make it their personal responsibility to entrench transparency.

In terms of remedying the effects of undemocratic rule in Africa and an addiction to succour from external actors, deeper continental integration would provide the means to establish and consolidate continent-wide process to ensure the self-monitoring of the conditions of governance within countries. Continental integration as discussed above has to be premised on principles, norms and policies which have to be negotiated with the African people. African presidents, prime ministers, governments and societies then have to commit to uphold these principles and elevate the standards of democratic governance so that the promise of continental integration can be fulfilled. It is only on this basis that the resources necessary to develop Africa can be harnessed for the benefit of the continent, and for aid colonization to become less of a reality in Africa.

There is a need to remedy the historical paternal relationship between the West, East and Africa. One way to remedy the persistence of paternalism and attempts to re-colonize Africa is to accelerate and deepen continental integration and uphold the norms and principles of democratic governance. African continental integration is not yet a concrete reality, and it remains a promise to be fulfilled. What remains self-evident is that Africa is attempting to forge an identity as a collective entity capable of functioning as an equal partner in the international sphere.

Conclusion

Africa's international relations are going through a monumental transition. Africa's relevance to the world should not be underestimated. The scramble to exploit its resources is illustrative of the fact that the continent is exceptionally endowed with natural resources, which should be developed for the benefit of its people rather than maximizing profits for foreign actors. The continent's citizens need to empower themselves to access global information and technology which they can utilize to benefit themselves.

Ultimately, Africa's international relations will be subject to how the continent chooses to define them. African needs to confront the global hegemony that has facilitated this exploitation as well as manage and re-orient international intervention and development initiatives that seem to be counter-productive to its own aspirations. Regrettably, African countries have demonstrated that they can be divided by their own parochial interests as well as by coercion or co-optation by other, more powerful actors. In the interests of achieving peace, security and development, it is important for African countries to maintain sufficient discipline so that they can act as a unified block with the African Union as the vehicle for articulating and expressing the continent's collective aspirations. As Africa's international relations continues to evolve, the prospects for the future will be more positive due to the ever-increasing levels of self-confidence and creativity that are evident across all corners of the continent.

Notes

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