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A Comparative Analysis of Organization of African Unity (OAU) and the African Union (AU) Conflict Management in the Horn of Africa

Hilary Kipkurui Kibet*

Abstract

This article compares conflict management by OAU and AU in the Horn of Africa in order to establish whether the change from OAU to AU has resulted in a more effective management. This article argues that OAU was a Cold War creation and thus unsuited for international challenges and security threats of the post-Cold War era. Although its success lay in the liberation of the continent from colonial rule, the organisation was averse to internal conflicts and therefore performed dismally. It contends that the lifting of the Cold War overlay and exacerbation of internal conflicts rendered OAU ineffective therefore justifying the establishment of AU. It posits that although AU has made normative shifts from that of OAU, it has not been successful as expected in managing conflicts because of the type of conflicts and incomplete structures. The article asserts that once AU is fully operational and the challenges addressed, it will certainly be more effective.

Introduction

Regionalism as an approach to conflict management has gained relevance in a number of ways. The UN attaches great importance to regional groupings and agencies and is exemplified by Chapter VIII of its Charter which authorizes regional arrangements to deal with matters relating to the maintenance of international peace and security.¹ This position was reinforced by a report prepared by former

*Major Hilary Kibet Kipkurui is part of the staff at the National Defence College. He holds an M.A. in International Studies from the University of Nairobi

¹ UN Charter, Article 52(1).

UN Secretary General Boutros-Ghali which recognized the important service rendered by regional organizations by decentralizing, delegating and cooperating in the responsibility of maintaining international peace and security.² Longer term benefits accruing from regionalism to developing states then include growing political maturity and the perceived potential of regionalism to promote their economic development and to mitigate their disadvantaged position in the international arena.

In Africa, cooperation in matters of security can be seen through the formation of regional organizations such as the Organization of African Unity (OAU) and later the African Union (AU). One of the roles of the OAU was to ensure cooperation amongst member states as espoused in article 2(2) of its Charter, while the mandate of AU also includes provisions for cooperation in security matters, although defined in broader terms. While the OAU's success lay in the liberation of the continent from colonial rule, scholars have argued that normative boundaries and structural weaknesses hindered it from managing internal conflicts which were more prevalent during the Cold War.³ The organization was dissolved in favour of a new organization, the AU, in 2002. The mandate of AU is more proactive than its predecessor with regard to internal conflicts and some of the structural and practical weaknesses of the OAU have been addressed. The critical question that this article examines is whether the change that was made from OAU to AU has resulted in more effective conflict management or whether it was just a linguistic change. In examining this central question, this paper compares the management of conflicts

² Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Democracy, Peacemaking and Peacekeeping*, (New York: United Nations, 1992), pp.36-7.

³ A. Tekle, 'The OAU: Conflict Prevention, Management and Resolution', 1999, in H. Adelman and A. Suhrke, (eds), *The Rwanda Crisis from Uganda to Zaire: The Path of Genocide*, (New Jersey: Transaction Publishers, 1999), p.11, also W. Foltz, 'The Organization of African Unity and Resolution of Africa's Conflicts' in Deng and Zartman, *Conflict Resolution in Africa*, (Washington D.C: Brookings Institution, 1991), pp. 347-366.

by the two organizations in the Horn of Africa and answers the pertinent question as to whether they have been successful or not. The paper first provides an overview of the concept of regionalism before examining the normative and structural shifts from OAU to AU. The last section compares conflict management by the two organizations in order to establish their effectiveness

Regional Perspectives in Conflict Management

There are definitional problems on what a region is, and what it is not, with some emphasising on geographical proximity while economists talk of preferential trade areas or the presence of customs unions. Constructivists give more prominence to norm and identities sharing in a given area.⁴ Although these definitions are not adequate, this article does not in any way try to engage in defining the concept it examines the advantages of regionalism as a peace doctrine. Regional peace doctrine was developed just after the Second World War. This forms the first wave of regionalism with the second wave occurring in the 1980s at the end of the Cold War.

Realism is state-centric in its analysis of international relations. This unit of analysis is not sufficient because of the interdependencies amongst states which make state solutions to issues “archaic.” Globalization on the other hand attempts to “shrink” the world utilizing technological advancement, information and economic interests.⁵ However this notion is still undergoing a test with some areas still preferring protectionist policies. Some scholars such as Buzan and Nye advance the notion and significance of regions and they call more

⁴ R. Väyrynen, “Regionalism: Old and New”, *International Studies Review*, Vol. 5, No. 1 (Mar., 2003), pp. 25-51

⁵ S. Spiegel, et.al, *World Politics in a New Era, 3rd ed*, (Belmont: Thomson Wadsworth, 2004), p.29.

attention to it.⁶ As the world shrinks because of globalization, states have lost some of their influence hence fostering global-regional linkages. Similarly, proponents of institutionalism see the formation of regional institutions as a positive force for greater international stability through increased economic coordination of policies. For this reason, institutionalists see regional cooperation as a mechanism for socialization amongst the actors while providing channels for conflict resolution.⁷

According to Joseph Nye, the most important linkage that regionalists have hypothesized between regional organizations and peace relates to the capacity of the micro-regional economic organizations to foster integration that changes the character of the relations between states and creates islands of peace in the international system.⁸ The proponents of this doctrine have put forward five arguments. They argue that bipolarity creates tension and reduces the capacity of each to tolerate changes in political alignment that might benefit the other countries.⁹ It is also argued that merger of small states that are likely to face foreign intervention and are not economically viable but can benefit from economies of scale, common markets and services from a regional organisation. They theorise that violent conflicts lie in human nature but it is possible through the creation of regional institutions to limit the conflict-laden consequences of the division of mankind into sovereign states.¹⁰

⁶ B. Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Col War Era*, (2nd ed), (New York: Harvester Wheatsheaf, 1991), pp. 186-226.

⁷ J. P. H. Poon "Regionalism in the Asia Pacific: Is Geography Destiny?", *Area*, Vol. 33, No. 3 (Sep., 2001), pp. 252-260

⁸ J.S. Nye, *Peace in Parts: Integration and Conflict in Regional Organizations*, (New York: University Press of America, 1987), p.11.

⁹ K. Deutsch, and D. Singer, "Multipolar Power System and International Security", *World Politics*, 16, April 1964, pp.390-406. Also, R.N.Resecrance, "Bipolarity, Multipolarity, and the Future", *Journal of Conflict Resolution*, 10, 1966, pp.314-27

¹⁰ J. Mill, *Considerations on Representative Government*, (Oxford: Blackwell, 1948), p.305.

It is also argued that regional organizations create new relations among states. Regional organizations particularly those involving economic integration are the best setting for functional cooperation that can make states less prone to exercise sovereign power for violent conflict. The emphasis here is not so much on diminishing sovereignty but on making it less dangerous by tying up states in a tight web of functional relationships. The final and most important argument is that regional organizations have a special capacity to control conflicts among their member states. It “makes peace divisible” and isolates conflicts and preventable local issues from becoming entangled with irrelevant problems, thus changing into insolvable global issues. Regional organizations are effective at conflict control because geographical neighbours are more likely both to understand the factual background of a conflict and share the norms that are relevant to the task of controlling the conflict.¹¹

Normative and Structural Differences between OAU and AU

The objectives of the AU as stated in article 3 of its Constitutive Act include the promotion of peace, security and stability on the continent¹² and the promotion and protection of human and peoples’ rights.¹³ The AU also aims at defending the sovereignty, territorial integrity and independence of member states which is similar to article 2(1c) of the OAU Charter.¹⁴ The AU Constitutive Act goes further than OAU article 2(1a) by calling for the achievement of greater unity and solidarity between the nations and people of African states.¹⁵ The

¹¹ W.O. Henderson, *The Genesis of the Common Market*, (Chicago: Quadrangle, 1962), p.159.

¹² Article 3(f) of AU Constitutive Act.

¹³ *Ibid*, Article 3(h).

¹⁴ *Ibid*, Article 3(b).

¹⁵ *Ibid*, Article 3(a).

AU makes a fundamental shift in article 4 of its Constitutive Act by calling for the sovereign equality and interdependence of the member states¹⁶ unlike OAU's which simply states that there should be adherence to the principle of sovereign equality of all member states.¹⁷ The AU therefore realises the need for integration and the fact that a state cannot exist without the horizontal interaction with other member states. The OAU insisted on respect for the sovereignty and territorial integrity of each member state and for its inalienable right to independent existence,¹⁸ while the AU's Constitutive Act speaks of respect for the borders existing at independence.¹⁹ The AU enshrines the norm of *uti possidetis* which had been introduced in the Cairo summit meeting in 1964.²⁰ This move gives management of border disputes a different dimension by sealing the fate of states that still have border revisionist tendencies.

Perhaps the greatest normative shift from the OAU Charter by the AU regards the intervention in what OAU had perceived as internal affairs. The OAU had adopted a rigid policy of non-interference of member state's domestic issues;²¹ however AU gives the Union the right in a member state pursuant to a decision by the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.²² The rigid interpretation of this principle meant that the OAU could not intervene in internal conflicts yet the development of humanitarian law calls for intervention. The AU has not only been given explicit authority to intervene in internal affairs but its Constitutive Act also gives a member state the right to request

¹⁶ Article 4(b), Constitutive Act

¹⁷ Article 3(1), OAU Charter

¹⁸ Article 3(3), OAU Charter

¹⁹ Article 4(b), AU Constitutive Act.

²⁰ AHG/Res.16(1)

²¹ Ibid, Article 4(g).

²² Ibid, 4(h)

for intervention from the Union in order to restore peace and security.²³

The OAU's policy of non-interference was further eroded by the AU Constitutive Act's refusal to recognise illegal governments that take over power in Africa.²⁴ This provision ensures that those governments that seize power through unconstitutional means have no place in the Union. The Constitutive Act also provides for common defence policy for the African continent.²⁵ These normative differences between the AU and the OAU are significant and reflect African leaders' understanding that a new organization with new powers and principles was necessary to deal with current problems faced by Africans. There are no major power structural changes in the AU as compared to the OAU other than linguistic changes. For example the AU Executive Council which is similar to the OAU Council of Ministers while the Assembly of Heads of States and Governments remains the same. The Assembly makes decisions and passes resolutions through a consensus meaning that the qualities of these decisions have to be "watered down" to allow for their support.²⁶ The introduction of a Peace and Security Council (PSC) which was established by a protocol pursuant to Article 5(2) of the Constitutive Act is a major structure especially when it comes to the management of conflicts.²⁷ The Council is similar to UN's Security Council although it does not have express powers to intervene in conflicts using military means pursuant to article, 4(h) of its Constitutive act.²⁸ The Council works closely with the Chairperson of the Commission and the Panel of the Wise by utilising their 'good offices' to pre-empt

²³ Ibid, 4(j)

²⁴ Ibid, 4(p)

²⁵ Ibid, 4(d)

²⁶ AU Constitutive Act, Art 7 and AU Charter, Article 10.

²⁷ Article 2(1) and 5(2) of Protocol Relating to the establishment of PSC of AU

²⁸ Ibid, article 7(1e)

an impending conflict. It also establishes an early warning system which was missing in the OAU prior to 1993.²⁹

A comparison between the OAU's Mechanism for Conflict Prevention Management and Resolution and the AU's PSC, reveals several issues. First, at its inception the OAU's mechanism started off by embracing some principles such as non-interference in internal matters of member state as a guiding principle although it tried to interpret it more loosely in the post-Cold War period. Although the OAU's mechanism tried to manage internal conflicts which were more prevalent during the 1990s it failed to accept peacekeeping missions as a means of intervention. The mechanism gave peacebuilding and peacemaking priority rather than peacekeeping which involved military forces. The emphasis in the OAU Mechanism was in the preventive measures of early warning and response through peacemaking and peace-building which could obviate the need to resort to complex and resource demanding peacekeeping operations which the African states would find it difficult to finance. Despite the OAU preferring early warning system it did not have one until its waning days in the late 1990s.

The PSC has however taken a more interventionist stance by creating stand-by forces in all the five regions of Africa. However questions arise as to whether a brigade size force in a sub-region such as the Horn of Africa is adequate to deal with numerous conflicts such as Ethiopia – Eritrea, Eritrea – Djibouti, Kenyan, Ugandan and Sudan internal conflicts and failing Somalia, and the Comoros and Madagascar conflicts that are all taking place at the same time. The AU therefore needs to address seriously the issue of human rights and impunity perpetrated by individual member states and require the member states to account, rather than defending some of its

²⁹ Ibid, article 12

leaders whom have been indicted by International Criminal Court (ICC). Article 4 (h) gives the union a right to intervene in a member state's affairs pursuant to a decision by the Assembly. The article if interpreted in its present form suggests that intervention will occur only on the commission of war crimes, genocide and crimes against humanity. This is hence a reactive agenda and not in line with the protection of human and people's rights.

Another divergent issue between the AU and the OAU is the collaboration with sub-regional organizations. The AU has taken the RECs as 'building blocks' or pillars for its security architecture. While the OAU had perceived sub-regional groupings as competitors, while the AU allows them to conduct mediations within their sub-regions and even intervene militarily especially in the case of West Africa.³⁰ Another difference between the OAU and the AU is in the area of human rights. African Charter on Human and People's Rights was adopted in June 1981 unanimously by the OAU Assembly but it came into force in October 1986.³¹ Initially the Banjul Charter made no provisions for a court to enforce the rights guaranteed in the charter. This omission was justified on the basis that the African conception of law is averse to third party adjudication, which is considered as confrontational but alternatively it is traditionally based on reconciliation reached through consensus. In addition, many African states would have been reluctant to ratify the charter had provisions been made for compulsory judicial settlement. The lack of judicial remedy attracted considerable criticism as undermining the effective application of human and people's rights in Africa.³² OAU had drawn

³⁰ F. Benedickt, "Competing Regionalism in Africa and the Continent's Emerging Security Architecture", *African Studies Quarterly*, vol. 9, Issue 3, 2007.

³¹ G. J. Naldi, *The Organization of African Unity: An Analysis of its Role*, (2nd ed), (London: Mansell, 1999), p. 109.

³² *Ibid*, p. 147

a protocol establishing a court of human and peoples' rights in 1997 and was later launched in 25th January 2004. However this protocol did not allow individuals to present cases before the court. This major weakness has since been addressed through a protocol that merged the African Court on Human and Peoples' Rights with the Court of Justice of the African Union.³³ However questions linger as to why this court to date has not been utilised despite human right abuses that are still prevalent in the continent.

A OAU and AU's Effectiveness in Conflict Management

In broad terms, regional organizations such as the OAU and the AU have three roles: conflict prevention, conflict containment and conflict termination. The effectiveness and limitations of these regional organizations is determined by their ability to influence the interests and capabilities of states.³⁴ Conflict develops where goals of the protagonists are incompatible and their interests competing. The sole purpose of conflict prevention is therefore to redefine these interests by providing information and altering patterns of transaction costs. A regional organization will be seeking to forestall a conflict from breaking out.³⁵ The Carnegie Commission on the Prevention of Deadly Conflicts identifies conflict prevention actions or policies as preventing the emergence of violent conflict and identifying non-violent means of resolving tension, stopping ongoing conflict from spreading and deterring the re-emergence of violence.³⁶

³³ Article 30(f), AU Protocol Merging the African Court on Human and Peoples' Rights with the Court of Justice of the African Union.

³⁴ R.O. Keohane, "Multilateralism: An Agenda for Research", *International Journal*, vol. 65, no. 4, 1990, pp.736-40.

³⁵ C.R. Mitchell, *The Structure of International Conflict*, (New York: St. Martins Press, 1981), p.17.

³⁶ Reports of the Carnegie Commission on Preventing Deadly Conflicts available at <http://www.carnegie.org/sub/research/> accessed on 7 February 2012.

In their conflict containment role, the task of the regional organization is to deny victory to the aggressor and to prevent the spread of conflict. The four types of intervention include collective self-defence, collective security, coercive diplomacy and peacekeeping.³⁷ Conflict termination on the other hand is aimed at halting and bringing the hostilities to a satisfactory conclusion. Termination of conflict is through either settlement or resolution. Settlement focuses on achieving an agreement to end the use of violence and to resolve the more immediate and overt dimension of conflict.³⁸ Conflict resolution on the other hand seeks to remove the source of the conflict altogether.

Conflict Prevention by the OAU and the AU

The lack of an early warning and risk assessment prior to 1993 hampered the OAU's conflict prevention efforts. Even if an early warning system existed during the Cold War, the response mechanism was inadequate to prevent any escalation of hostilities as can be illustrated in the election dispute in Congo (Brazzaville) and in Rwanda.³⁹ Preventive deployment capabilities where peacekeepers could be placed in areas of risk prior to an outbreak of hostilities as in the case of Eritrea-Ethiopia conflict and even in the Rwanda conflict was lacking. The initial strict adherence to article 3(2) of the OAU Charter equally hampered any efforts of the organization's ability to deal with internal conflicts. The Cold War period ensured that the

³⁷ M. Alagappa, "Regionalism and the Quest for Security: ASEAN and the Cambodian Conflict", *Journal of International Affairs*, vol.46.Issue 2, 1993.

³⁸ C.R. Mitchell, *The Structure of International Conflict*, Op. Cit. pp. 275-7.

³⁹ J. Levitt, "Conflict Prevention, Management and Resolution: African Strategies of Prevention of Displacement and Protection of Displaced Persons", *Duke Journal of Comparative & International Law*, vol. 11, no. 39, 2000, p.55.

superpowers tolerated atrocious leaders as long as they were on its side. Former Ugandan President Iddi Amin and Mobutu of Zaire grossly violated fundamental human rights and people's freedoms and yet both the East and the West could not raise a finger against them. It is these violations that encouraged both the internal and interstate conflicts being currently witnessed.

One of the sources of internal conflicts has been the violation of human and peoples' rights therefore giving rise to new forms of self-determination. The adoption of these rights came late in Africa and was accepted in June 1981 by the OAU Assembly and came into force in 1986. However there were no enforcement mechanisms by the organization which therefore relied on individual countries to enact municipal laws to safeguard these rights. This was understandable because African leaders were averse to formal and judicial means of settling disputes. In 1997, the OAU moved towards establishing a court on human rights but failed to allow individuals to bring a case before the court. The slow pace in addressing human rights violation engendered internal conflicts instead. The OAU also failed to impose sanctions on unconstitutional governments in the region that perpetrated human rights violations. Arising from this, conflicts such as the Uganda internal conflict could not be resolved by the organization.

During the post-Cold War period the OAU established a mechanism for preventing, managing and resolving conflicts but the early warning system that constituted the foundation of preventive action was not fully developed and its network with sub-regional organizations remained underdeveloped. Although the OAU's mechanism tried to deploy significant efforts in order to make it more robust and work effectively, problems of resource mobilization hindered its work. The members' contributions to the peace fund remained inadequate to meet the budget of numerous conflicts that

the OAU was addressing such as in DRC and Sierra Leone.⁴⁰ Conflict prevention was however too important and yet this task was left to the Africa leaders alone despite having been accused of being an exclusive “Club of heads of state and governments.” The OAU’s cooperation with UN at times escalated conflicts and brought dissatisfaction from some members as illustrated by organization’s emphasis on “African solutions to African problems”, and successfully lobbying for some cases to be referred back to the OAU.⁴¹ An example is the Somalia border conflict with Kenya and Ethiopia where Somali felt that the OAU was incapable of giving it a fair hearing and indeed the Council of Ministers simply patched the matter until it escalated into full scale war in 1977. Conflict prevention by the OAU was further hampered by the methodologies that the organization adopted. It favoured collective mediations and *ad hoc* committees where their opinions could be taken into account and a consensus reached in every action that could be taken.

The AU on the other hand has enhanced its conflict prevention role in conflict management. It has adopted an early warning and response mechanism which is linked up with sub-regional organizations mechanism.⁴² Other than sharing of information with the RECs, the AU has also built a response mechanism in terms of a standby force in the five sub-regions which are supposed to be utilized in preventive deployment and peace building during and after conflicts.⁴³ The framework stipulates that PSC shall undertake among others implementation of disarmament demobilization and re-integration programmes and assist vulnerable persons. The success of

⁴⁰ Jakkie Cilliers & Kathryn Sturman, “The Right Intervention: Enforcement Challenges for the AU, African Security Review”, vol. 11, no. 3, 2002.

⁴¹ S. Touval, *The Boundary Politics of Independent Africa*, (Cambridge: Mass, 1972), p. 216.

⁴² Protocol Establishing PSC, Article, 12

⁴³ *Ibid*, Article 14

the AU in preventing conflicts was witnessed in Burundi where the deployed forces were mandated to build peace in a dynamic and fluid situation in which there were genocidal tendencies just like those in Rwanda.⁴⁴

Sanctioning unconstitutional governments is another tool that the organization seeks to use in its preventive role in conflict management. Article 23 of the AU Constitutive Act provides for sanctions, while article 30 bans governments that come into power through unconstitutional means from participating in the activities of the Union. The AU successfully used this instrument by not recognizing Togo's unconstitutional government in 2005 and with the help of EU, USA and France managed to force Faure Gnassingbe to step down.⁴⁵ Sanctions however serve as a precursor not an alternative to the use of force as was in the case of Yugoslavia, Haiti, Sierra Leone, Liberia and Rwanda.⁴⁶ Substantial reservations have however emerged in recent years about the efficacy and morality of sanctions against very poor countries in line with growing international opinion that the 'civilian pain' is not worth the 'elusive political gain'⁴⁷ hence the preference for smart or target sanctions in which it is imposed on particular individuals.

In its quest for the promotion of democratic practices, good governance, the rule of law and human rights, the AU has embraced a NEPAD African Peer Review Mechanism (APRM) which is a voluntary instrument. This has proved that it is not a solution either

⁴⁴ T. Murithi, "The African Union's Evolving Role in Peace Operations: The African Union Mission in Burundi, The African Union Mission in Sudan, The African Union Mission in Somalia", *African Security Review* 17:12008, p.75

⁴⁵ I. Olawale, "The African Union and Conflict Management", *African Development*, vol. xxxii, no. 1, 2007, pp. 41-68

⁴⁶ D. Cortright & G.A. Lopez, *The Sanctions Decade Assessing UN Strategies in the 1990s*, (Boulder: Lynne Rienner, 2000)

⁴⁷ T. Weiss, D. Cortright, G. Lopez and L Minear (eds), *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*, (Lanham, Rowman & Littlefield, 1997)

as it relies on the will of individual state leadership. In Kenya for instance, a comprehensive peer review was carried out in May 2006 and yet less than one year down the line a post election conflict was witnessed. Equally, Kenya hosts the East African Standby Force which was never deployed during the 2007/2008 in the Kenyan conflict simply because this institution is not up and running yet. The deployment of AU forces in Darfur and Somalia have not been successful and neither has the AU's condemnation of *coup d'états* in Mauritania and Guinea Bissau borne any fruits.⁴⁸ Similarly, the suspension of Madagascar from participating in all AU functions after the army forced out the president and installed an opposition leader in his place continue to be a headache for the organization. The efficacy of sanctions as an instrument of conflict prevention will only function in a situation where the African states are fully integrated and interdependent.

Role in Conflict Containment

In conflict containment, isolation through sanctions and intervention through collective security, collective self-defence and coercive diplomacy, peacemaking and humanitarian intervention were necessary but these were frustrated by a number of OAU's institutional characteristics. Again the principle of non-interference required that permission had to be obtained from the affected member state while peace enforcement was effectively banned by the OAU Charter. The only reason that compelled the OAU to intervene in Chad was because of a clash of principles; of non-interference and territorial integrity where the OAU preferred the later. The OAU Mechanism for Conflict Prevention, Management and Resolution did not allow

⁴⁸ AU Commission Press Release No.43/2009, after the AU Summit Meeting in Addis Ababa

peacekeeping unless under extreme circumstances where there was a total breakdown of constitutional structures. This reflects how averse African leaders were when it came to what they interpreted as internal affairs of a sovereign state.

In the Ethiopia-Somalia conflict (1977/78), Ethiopia-Eritrea (1998/2000) and Uganda-Tanzania (1978/1979), the OAU clearly could not contain these conflicts militarily as the member countries resorted to full combat. Furthermore, the OAU was unable to rally the big powers to stop supporting the protagonists and to pressure them into resolving their conflicts using peaceful means. In the Ethiopia-Somali (1977/1978) and Ethiopia-Eritrea (1998/200) conflicts, the big powers at the (the USSR and USA) continued supporting the protagonists militarily and therefore the OAU could not effectively isolate the belligerents. As a result, the organization was only able to secure an agreement after the war had been won on the battlefield. This clearly indicates the organization's ineffectiveness in managing conflict and was influenced to some degree by external actors. Further, the OAU had no collective security, collective self-defence and peacekeeping frameworks that could guide the organization in such conflict situations. In essence the OAU hoped that the strategies of socialization, and reassurance would deter states from going to war. In most of the conflicts examined where OAU involved itself apart from the Kenya-Somali conflict, the organization did not have the economic and military resources adequate enough to be applied in wearing down the adversary and forcing him to revise his calculations and to agree to a mutually acceptable termination of the conflict. Political pressure was the only tool that was left for OAU in containing conflicts and yet the major powers during the Cold War period were preoccupied with their interests which at times were not congruent with those of the OAU.

In containing conflicts the AU has put up structures such as

the standby forces to be used in peacekeeping missions. It has equally eroded the strict interpretation of non-interference and has laid a favourable ground where internal conflicts can be managed. The willingness by the belligerents in conflict to make various agreements and to submit to the AU's authority indicates that these parties recognize that the AU wields some power over them. The enforcement mechanisms that include sanctions for not complying with the Union's decisions and policies have given it some teeth to enable it to act.⁴⁹ Although the AU has demonstrated that it can use sanctions, at times it has not been consistent for instance in the case of Sudan, the union threatened to report it to UN Security Council for failing to meet some deadlines instead of using the sanctions instrument.

Despite the major steps that AU made, most of its structures are not yet fully operational. Similarly, the AU has not been able to use its position at the UN General Assembly effectively. A case in point is when it tried to canvass for the UN to support its position against the indictment of Sudan's president by the International Criminal Court but instead, the UN Security Council simply noted the AU concern contained in the Unions communiqué of the 42nd PSC meeting.⁵⁰ It is equally clear that AU member states have not had the political will necessary to address the Somali conflict as expressed by their unwillingness in contributing troops. Malawi, Ghana and Nigeria had pledged to deploy troops in 2007 but to date a handful of Ugandan and Burundian troops have been deployed in Somalia therefore making them incapable of fully executing their mandate. Financial and logistical constraints are still some of the factors haunting AU in the case of Darfur (AMIS) that later converted to UNAMID and Somalia (AMISOM) missions.

⁴⁹ AU Constitutive Act, article 23.

⁵⁰ UN Security Council Resolution (UNSCR) 1828 adopted on 31st July 2008.

Conflict Termination by OAU and AU

The success of any negotiation or mediation and thus eventually in conflict termination, can only come about in a situation of uncertainty and/or mutual conflict exhaustion or when one party decides to cut its losses. Indeed, the OAU utilized informal structures mainly made up of *ad hoc* committees comprising of heads of state and governments, council of ministers or ambassadors. This was in line with arguments made earlier that the OAU despised formal structures such as the Commission of Mediation, Conciliation and Arbitration which from the beginning became moribund. In terminating conflicts, the OAU adopted a non-involvement posture when it came to what it interpreted as internal conflicts according to article 3(2) of its Charter. The OAU tended to patch up conflicts without actually resolving them and yet the “African solutions to African problems” principle was so important to the organization to the extent that it lobbied at the UN to have cases forwarded directly to UN be referred back to OAU. In the Somali-Kenya conflict, the OAU Council of Ministers simply called for a peaceful settlement and an end to the propaganda campaign⁵¹ while in the Somalia-Ethiopian case, the Council desisted from debating the merits of the conflict but concentrated on defusing the conflict since it just ordered for a ceasefire. OAU therefore preoccupied itself with fire fighting and not addressing the root causes of the conflicts. The lack of a mechanism to enforce the organization’s decisions meant that the implementation of any agreement lay in the hands of the conflicting partners. This expression was evident in Somalia-Ethiopia and Ethiopian-Eritrean conflicts where the belligerents decided to pursue a military action against each other.

Norms that guided OAU conflict management were highly contestable and at times justified the organization’s inaction and

⁵¹ ECM/Res.3(II) and ECM/Res.4(II)

isolationist position when it came to some particular conflicts. The non-interference principle for instance justified the organization's non-involvement in Uganda, Somalia and Sudan internal conflicts. On the other hand, the 'try Africa first' impacted on Somalia-Ethiopia conflict and made other member states dissatisfied leading to the withdrawal of membership in the case of Morocco. Overall, OAU tended not to address the deep rooted causes of conflicts which led to their resurrection much later. The inadequacies of the organization led to poor settlement and resolution of conflicts in the Horn of Africa and Africa as a whole.

AU has made significant improvements in ensuring that conflicts are terminated from the onset. The "watering down" of the non-interference principle, the formation of an intervention force, its willingness to use sanctions, and the use of good offices by the chairperson of the commission are some of the strengths that the AU has over the OAU. The AU has adopted a panel of the wise which is made-up of African personalities who together with the Chairperson of PSC can use their "good offices" in facilitating and mediating in conflicts. Kenya's post election conflict in fact is a good example where the Chairman of the AU Assembly (both Kufuor and Kikwete) played critical facilitative roles that paved the way for African personalities who mediated in the conflict. The AU just like the OAU has other organs such as the Executive Council, the Assembly, Ambassadors and Envoys at its disposal who can be employed in mediation role. African Court of Justice and Human Rights is also expected to enhance this conflict termination role although it is yet to be up and running.

Overall, the AU has not been able to effectively resolve conflicts in the Horn of Africa such as Darfur and Somalia. In both conflicts, the Union has not been able to achieve an all inclusive mediated agreement since the protagonists continue to take the

military solution rather than negotiation. Although the AU has been working assiduously together with the sub-regional organizations, its assessment cannot be exhausted in that in both Darfur and Burundi which have been examined in this article fall short as the UN took over from the AU. The AU thus played a mere stabilizing role without resolving the conflicts.

The success or failure in of conflict management by the OAU and the AU can be analyzed in either quantitative or qualitative terms. In the later, the assessment is confined to the organization's record on the basis of the "clarity" of the settlement effected, its "political realism" and its "permanence."⁵² In quantitative terms however, the issue is whether the organization's involvement has temporarily or permanently halted the conflict. This article, takes the quantitative approach although other factors such as the direct or indirect management of the conflict by the organization and the stage of the resolution in the conflict cycle are also takes into consideration. In the case where the organization manages a conflict indirectly for example supporting a sub-regional organization, the regional organization is also credited if the outcome was a success while on the other hand if the organization does not involve itself for some reason such as perception of a conflict as domestic then the outcome is rated as a failure. Finally if the regional organization (OAU or AU) only resolves a conflict after the conflicting parties have gone to a full scale war and the outcome decided through military action, then this is taken as a partial success. The two tables below summarise the performance of the organizations AU and OAU in their effectiveness in managing conflicts in the Horn of Africa sub-region.

⁵² I.L. Claude, *Swords in Plowshares: The Problems and Progress of International Organization*, (New York: 1964), pp. 215-216.

Table I**OAU Management of Conflicts in the Horn of Africa (1963-2002)**

Year	Parties Involved	Outcome
1957-1972	Sudan Internal	Failure*
1964-84	Kenya vs Somalia	Success
1977-78	Ethiopia vs Somalia	Partial Success**
1978-79	Tanzania vs Uganda	Failure
1979-85	Uganda Internal	Failure***
1983-2005	Sudan Internal	Success****
1991-2002	Somalia Internal	Failure
1998-2000	Ethiopia vs Eritrea	Partial Success*****

- * OAU never involved itself as it considered this as an internal conflict however the peace agreement which halted the conflict until 1983 when it broke out again was sponsored by World Council Churches (WCC) and All African Council of Churches (AACC).
- ** The conflict was resolved by OAU's emphasis on its norm of *uti possidetis* after Ethiopia had decisively beaten Somalia in battle.
- *** OAU considered this as an internal conflict and despite Kenya's involvement that led to the signing of an agreement; it failed to stop the conflict due to re-entry problems by the signatories.
- **** The signing of a Comprehensive Peace Agreement (CPA) that halted the violent conflicts was the initiative of Inter-Governmental Authority on Development (IGAD) although it had the support of OAU.
- ***** The conflict was resolved by OAU after the two parties had pursued a full scale war.

Table II**AU Management of Conflicts in the Horn of Africa (2002-2012)**

Year	Parties Involved	Outcome
2002-08	Somalia Internal	Failure*
2003-04	Burundi Internal	Success**
2003-08	Sudan (Darfur) Internal	Failure***
2007-08	Kenya Internal	Success

- * AU has deployed a few peacekeepers with a limited mandate but 3 countries that had pledged to contribute troops had not by 2008.
- ** AU managed to stabilize and end violent conflicts but UN came to its assistance in 2004 and helped in re-integrating the displaced persons.
- *** AU and UN established a joint Force in 2008 creating a hybrid force, however armed conflicts continued and no peace was in site by the end of 2008.

Conclusions

This article has argued that in the past, management of conflicts by the OAU was hindered by both structural and normative weaknesses of the organization. It was pointed out that those norms such as non-interference strict interpretation resulted in inaction by the OAU when it came to internal conflicts. The OAU chose informal methodologies and was averse to third party adjudication which was considered confrontational and could go against their wishes. Based on this, the OAU's preferred reconciliatory methodologies reached through consensus and was understandable as the organization aimed at uniting the newly independent states rather than engaging in more radical and disruptive activities. Furthermore instead of decentralizing and delegating its conflict management functions, the OAU centralized them by competing and subordinating the sub-regional organizations. The Establishment of the AU was a realization by African leaders that the OAU was ill equipped to handle the challenges faced by the continent especially internal conflicts and the urgent need for a coherent and united Africa. The AU has been strengthened structurally to cope up with the challenges that the OAU could not deal with. This article concludes that the AU has not performed as expected although it has the potential to be more effective than the OAU was, once the organization's structures are fully operational and the leadership's attitude about the AU and what it stands for changes.

Challenges in the Implementation of IGAD's Peace and Security Architecture (PSA)

Njuki Mwaniki*

Abstract

This article examines the challenges that have hampered the implementation of the Intergovernmental Authority on Development (IGAD) Peace and Security Architecture (PSA). It argues that absence of common uniting values, inappropriate epistemological foundation of the PSA, hostile external security policies, culture of militarism, absence of a regional hegemony and membership to multiple regional organisations are some of the challenges facing IGAD in its implementation of the PSA. The article proposes a reconceptualization of security and a move away from the state centric perception. It calls for cooperation by member states and acknowledges the need for a structure that has the capacity, the right mandate and resources to implement the PSA.

Introduction

In Africa, regional and sub-regional organisations have developed mandates and structures to realise effective and efficient peace and security architectures. However, the reality in some sub-regions is that they are plagued by insecurities. This is the case in the greater Horn of Africa (HoA) region where insecurities exist at societal, state and regional levels. There are numerous conflicts such as the civil wars in Sudan, protracted state collapse in Somalia, uneasy peace between Ethiopia and Eritrea, border dispute between Eritrea and Djibouti, insurgencies in Ogaden region of Ethiopia and Northern Uganda and

* Lieutenant General Njuki Mwaniki is a former Commander of the Kenya Army and is currently the Commandant, National Defence College. He has an MA with distinction in War in the Modern World from Kings College, University of London.

volatile inter-ethnic relations in Kenya.¹ The situation has been made more complex by an increased climate of threats such as drought which has led to famine affecting an estimated 13 million, and the growth of radical militant Islamist terrorism and maritime piracy.

The Intergovernmental Authority on Development (IGAD) is the primary sub-regional organisation mandated with the maintenance of peace and security. IGAD is made up of Kenya, Uganda, Ethiopia, Somalia, Djibouti, Sudan and Eritrea. Its vision is to be the premier organization for achieving peace, prosperity and regional integration in the sub-region.² The IGAD Protocol of 1996 gave it a peace and security mandate. Article 7(g) identifies the commitment 'to promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-state conflicts through dialogue. To achieve this objective, Article 18 (a) of the protocol calls on member states to: 'Establish effective structures for the pacific settlement of differences and disputes; take effective collective measures to eliminate threats to regional cooperation, peace and stability and deal with disputes between member states within these sub-regional and international organisations.'³ Although the protocol and subsequent arrangements indicate a commitment to peace and security, the situation in the Horn of Africa suggests that the stated objectives are far from being realized. This raises the question of the challenges that have hampered the implementation of IGAD's Peace and Security Architecture (PSA). This article analyses the challenges and suggests solutions.

¹ See M.Ali, 'Transforming Conflicts in Africa: The Need to Focus on Shared Security', in Sthlm Policy Group (ed.), *Faith, Citizenship, Democracy and Peace in the Horn of Africa*. A Report of the 7th Annual Conference on the Horn of Africa: Lund, Sweden, October 17-19, 2008, pp.42-3

² IGAD Strategy, 2003, Available at www.igad.org

³ See IGAD Protocol, 1996. Available at www.igad.org

Framework for Analysis

The article is guided by a comprehensive conceptualisation of peace and security. Peace means much more than the absence of physical threats. According to Curle, beyond the normal dichotomising of societies as being either at peace or war, there are others which are unpeaceful.⁴ They do not have physical violence but they have structures which generate injustices, in effect hampering the realisation of self and group capabilities and laying the ground for violent conflicts.⁵ In such societies, it is futile trying to achieve peace without tackling the structural causes of individual, societal and state insecurities.⁶

There should be a dual framework of security based on the need to secure the state and individuals in it. The approach should address the five sources of threats to state security as identified by Buzan. These are: military, political, economic, societal and environmental threats.⁷ It should also encompass human security which is concerned with protecting people from critical and pervasive threats and situations, and building on their strengths and aspirations.⁸ Additionally considering the foundational problems facing states in Africa the framework should be underpinned by the fundamental need of state building and consolidation, because most of the security threats emanate from this foundational weakness and are primarily

⁴ See A. Curle, *Making Peace Work*. London: Traystock Publications, 1971

⁵ See J. Galtung, 'Violence, Peace and Peace Research', *Journal of Peace Research*, 6 (3), 1969, pp.167-192. Also Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. London: Sage, 1996, p.196

⁶ Ibid

⁷ B. Buzan, *People, States and Fears: An Agenda for International Security Studies in the Post-Cold War Era*. Boulder, CO: Lynne Reiner, 1991, p.19-20

⁸ United Nations Development Program, *Human Development Report*. New York: UN Publication, 1994, p.22 and Commission on Human Security, *Human Security Now: Protecting and Empowering People*. New York: UN Publications, 2003

internal.⁹

Consequently an understanding of peace that approximates positive peace coupled with a dual approach to security should form the foundation for peace and security in IGAD sub-region. This is justified by various reasons. Firstly, physical violence is always preceded by structural violence and without strategies addressing the latter, sustainable peace is impossible. Secondly, states in the region have not consolidated the process of nation building, making them vulnerable to internal security threats. Indeed all members of IGAD are faced by either latent or active sub-state threats. To address the threats, the provision of human security is paramount since in an environment where a substantial segment of the population is insecure, states are inevitably insecure and perceived as illegitimate. Thirdly, the regional security environment is characterised as an 'insecurity complex'.¹⁰ This makes the already internally insecure states highly vulnerable to threats emanating from the neighbourhood; and to deter and deal with such threats, state security must be approached from a regional perspective. Fourthly, the regionalized approach should strategically focus on enhancing members capacity to deal with domestic threats to both state and human security as a key building block for a regional peace and security architecture.

Challenges Facing IGAD's PSA

In the face of multiple threats to peace and security in the Horn of Africa, IGAD has established a PSA aimed at addressing the threats.

⁹ A good analysis on nature of states in Africa has been provided in M. Ayoob, *The Third World Security Predicament: State making, Regional Conflict and the International System*. London: Boulder, 1995, pp.10-11; Also M. Ayoob, 'Review of the Security Problematic in the Third World', *World Politics*, vol 43, No. 2, 1991, pp.257-283.

¹⁰ B. Buzan and O. Waever, *Regions and Powers: The Structure of International Security*. Cambridge: Cambridge University press, 2003, p.229

Among its components are: a conflict early warning and response mechanism (CEWARN), non-institutionalised mediation processes, Regional Centre for Controlling Small and Light Weapons (RECSA) and IGAD capacity building programme against terrorism. However the PSA has not managed to address the threats due to various challenges.

Absence of Common Uniting Values

The presence of common uniting values is critical in determining regional peace and security efforts. This is best exemplified by the democratic peace theory which maintains that common democratic values in a given region to a large extent explain the sustained presence of peace and security.¹¹ Although regions need not be democratic to be peaceful, the conclusion made by the theory indicate the importance of a normative congruence of political values in influencing the conduct of member states engaging in mutual relations.

In the IGAD sub-region there lack common values among states. States have divergent political systems all of which are inhospitable to a working PSA. There is a mix of fragile democracies (Kenya and Uganda), quasi-authoritarian systems (Ethiopia and Eritrea) and states which have attempted to implement theocratic regimes (North Sudan and Somalia). One common denominator of these systems is that in varying degrees they have engendered policies which amplify human and state insecurities. These include marginalization of large segments of the population, militarised responses to opposition groups, the manipulation of electoral processes and arming of non-state actors.¹²

¹¹ S.M. Walt, 'International Relations: One World, Many Theories', *Foreign policy*, No 110, 1998, p. 39

¹² See for instance M. Hill, 'Human Rights Challenges in the Horn of Africa', in Sthlm(ed), *Faith, Citizenship, Democracy and Peace in the Horn of Africa*. Lund: Media-Tryck, 2008, p.65

Consequently, states have become generators of insecurities and most of the commitments they make at regional levels remain mere abstractions.

This pattern of politics is present in all the states, though differing on severity. This inevitably creates insecure states with regime security being privileged over other securities. As a result states are not only weak but they cannot agree at a regional level on developing a normative framework on acceptable standards of governance, human rights and security. Yet at the core of various security threats in the region is the issue of bad governance and the disregard for human rights.

Ultimately despite the stated goals of PSA, it is naive to expect it to work, when the very members are a part of the problem. They have not shown a serious commitment to addressing sources of state and human insecurities in their respective states. Only Kenya has made progress on this front but as witnessed in 2007-8 electoral violence, risks of reversal are present.¹³

Significantly members of IGAD have stuck to the traditional thinking on sovereignty. IGAD lacks the mandate to intervene in internal affairs of member states. This has emasculated its capacity to deal with peace and security issues since for it to be successful, a degree of de-territorialisation and some ceding of hard-notions of sovereignty are needed.¹⁴ At the end of the day, IGAD operates as member countries want it to, and they are unwilling to give it a supranational mandate. Consequently enforcement mechanisms are lacking in the instruments establishing IGAD's PSA. There is even no provision for expulsion of a rogue member let alone one which is not

¹³ Kenya has remained the most stable member of IGAD and has recently promulgated a progressive constitution aimed at democratic institutionalisation of the state.

¹⁴ K. Clement et al, Security in the New Millennium: A Debate on Peace and Security: Alternative Formulations in the Post-Cold War Era', in Brauch H et al (eds), *Globalization and Environmental Challenges*. Berlin: Heidelberg, 2008, pp.855-865

following the guiding principles. However, the protocol establishing IGAD is under review to address some of these shortcomings.¹⁵

Inappropriate Epistemological Foundation of IGAD's PSA

The epistemology on which IGAD PSA is founded is inappropriate for the peace and security environment of the Horn of Africa. The security environment demands a dual approach to security, but members have opted for state-centrism and when issues of human security are integrated in the operational framework, they are taken as *means* of achieving state security rather than as *ends*. This is inappropriate because state centrism presumes that the state is stable internally and enjoys widespread legitimacy and the main sources of threats are external.¹⁶ Yet in the IGAD sub-region security threats are primarily internal and states play a big role in generating such insecurities.

This can be seen in the various strategies adopted to deal with security threats. For instance, the problems of SALWs can be addressed by resolving the demand-side factors which makes communities arm themselves, especially through government provisions of security to the border lands.¹⁷ Instead states have opted for disarmament without stepping in to fill the security vacuum created. Regarding environmental resource based conflicts, one of the key drivers is the absence of a fair third party arbiter who can fairly resolve distributional issues and enhance the community ingenuity gap. This can be done through policies which guarantee communal

¹⁵ An interview with a senior official, IGAD PAD conducted on 11/11/2010

¹⁶ M. Ayoob, *The Third World Security Predicament: State making, Regional Conflict and the International System*, Op cit, pp. 257-283.

¹⁷ T. Weiss, 'A Demand Side Approach to Fighting Small Arms Proliferation', *Africa Security Review*, 12 (2), 2003, pp.5-16

land tenure, diversification of sources of livelihood, provision of watering points and promotion of sustainable use of rangelands and other coping strategies. Despite such needs which are developmental, there are no coordinated regional efforts to address gaps leading to vast insecure territories and populations affected have remained the most marginalised.¹⁸

Hence for IGAD's PSA to work it must be rooted in an epistemology which prioritizes both human and state security and has a goal of realizing positive peace, rooted in addressing structural violence. Any other approach will lead to "band aid" solutions maintained through the use of threats and the use of force. To reverse this, policy makers need to be bold enough and think outside the box and develop measures based on the security issues at hand rather than find comfort in state centric prescriptions which are evidently not working.

This process can be initiated by IGAD, if it can be creative and has a more robust mandate to initiate and develop regional security strategies. This way it can promote appropriate philosophies of regional security, their conceptualizations and strategies of action. Such a proactive and re-energised turn must be backed by a well rationalized and institutionalised diplomatic strategy addressing itself to members and external actors.¹⁹ The goal should be to orient their engagement with IGAD in a way which generates and sustains the regional vision of peace and security based on an epistemology which gives equal priority to both state and human security.

¹⁸ An interview with a regional security expert conducted on 22/11/2010

¹⁹ A similar position is expressed by M. Mwagiru and Karuru, 'Human Security in the Horn of Africa: Emerging Agenda', in Mwagiru M(ed), *Human Security: Setting the Agenda for the Horn of Africa*. Nairobi: APF, 2008, pp.251-6

Hostile External Security Policies

IGAD has been characterised as an organisation of 'hostile brothers', a reflection of international relations characterised by enmity rather than amity.²⁰ Except for Kenya which to a large extent has remained neutral, all other members have ongoing disputes with their neighbours. The root of these policies is closely connected to internal problems facing the members. This is because the presence of sub-national opposition groups provides numerous opportunities for neighbours to be sucked into such conflicts. The outcome has been absence of trust since members view each other through securitised lenses. Lack of trust has hindered genuine cooperation and engendered fragility. As a result states cannot develop a comprehensive regional peace and security agenda which would limit their unilateral security strategies. This explains the delayed approval of the IGAD peace and security strategy. And, even if such a strategy is approved, it is highly doubtful that members will implement it in good faith.

The presence of hostile state security policies has undermined IGAD peace and security efforts in various ways. Despite the reality of security interdependence in the region, there is a glaring absence of a regional security strategy since members cannot agree on the content of such a strategy. Each member wants to load such a strategy with its own agendas and when they are not reflected, reject it. Yet such a strategy is central because it provides a road map of where the region intends to go in the context of peace and security.²¹

Secondly, the hostile security policies means that members are Janus faced in their interactions. One face reflects a commitment to regional peace and security. The other reflects mutual hostilities since

²⁰ U. Terlinden, *IGAD: Paper Tiger Facing Gigantic Tasks*. Berlin: Friedrich-Ebert Stiftung, 2004

²¹ M. Mwagiru and Karuru, N 'Human Security in the Horn of Africa: Emerging Agenda', Op cit, 2008, p.254

most of the members develop their military strategies that suggest they have their neighbours in mind. Eritrea and Ethiopia provide a good example with each preparing for another round of war.²² Also members are involved in undermining the security of others through supporting and arming groups challenging their neighbours.

The securitised lens makes it impossible for a security community to emerge.²³ Thus, unless members are ready to unclench their fists, IGAD's PSA will remain fragile since it stands on very shaky ground. To reverse the trend members must de-securitize some aspects of their relations and institute confidence building measures.²⁴ A starting point would be a regional peace and security diplomatic conference mediated by acceptable and non-partisan third parties. The main theme of that conference would be the harmonisation of security agendas.

Culture of Militarism

Within the IGAD region, there is a deeply rooted culture of militarism at state and societal levels. This has motivated a preference for militarised solutions; but as Healy warns the habit of war can become a cause of war in itself.²⁵ The dominance of this culture of militarism is attributable to two main factors. Firstly, all member states have been involved in major military operations either against domestic or external actors in the past decade. In the case of domestic military campaigns, there has been a proliferation of military technology and

²² An interview with a regional security expert conducted on 15/11/2010

²³ A. Oelsner, *(De)Securitisation Theory and Regional Peace: Some Theoretical Reflections and a Case Study on the Way to Stable Peace*. Badia Fiesolana: European university Institute, 2005, p.8

²⁴ On desecuritisation see Buzan et al, *Security: A New Framework for Analysis*. London: Boulder, 1998, p.4

²⁵ S. Healy, *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel*. London: Chatham House, 2008, p.38

knowledge to large portions of the population leading to militarisation of the society.²⁶ At interstate level, the continued reliance of military solutions has led to a disproportionate militarisation of national security strategies.

Consequently the preference for military solutions is deeply entrenched in the region. Indeed in key states such as Eritrea, Ethiopia and both Sudans perceptions of security threats are largely the preserve of military and intelligence circles and remain set in the traditional military mould.²⁷ This has emasculated other instruments of statecraft which can be used for the peaceful settlement or resolution of conflicts.

This preference has been enhanced by the background of the current heads of states and governments in the region. Leadership plays a pivotal role in determining the trajectory which a state takes in pursuit of its interests. Faced with a similar situation, leaders respond differently depending on their dispositions. In the Horn of Africa, except for Kenya all other states are ruled by leaders who although now elected, initially acquired power militarily. These leaders are more predisposed to deploy their militaries in pursuit of national interests instead of pursuing the peaceful settlement of disputes. Since these leaders have managed to entrench themselves in power through the subversion of democratic processes, the challenge posed by the culture of militarism enduring.

The deployment of military solutions has worsened peace and security in the region. It has amplified or multiplied security threats. For instance, the Sudan conflict which ended after a successful mediation process had pulled in all its neighbours, who were

²⁶ Sudan and Somalia are good examples of states with highly militarised civilian populations

²⁷ S. Heally *Lost Opportunities in the Horn of Africa*, Op cit, p.42, S. Heally, *Peacemaking in the Midst of War: An Assessment of IGAD's Contribution to Regional Security*. London: Crisis states Working Papers, November, 2009, p.2

supporting different proxies. In return, North Sudan's pushed a policy of regional destabilization through training, arming and supporting armed insurgencies in Uganda, Eritrea and Ethiopia.²⁸ Similarly, the 2006 Ethiopian invasion of Somalia fuelled Islamist insurgency. Despite the justification given for the invasion - right to self defence, war against terrorism, and invitation by a legitimate government - the invasion made the Somalia conflict more complex.²⁹

Competing Visions of Regional Peace and Security

A common vision is important and clears the fog which makes it impossible for concerned actors to see the bigger picture often due to the narrow pursuit of interests. Having a well written vision is not adequate. It needs to be universally held by all the members and consistently used to direct strategies, actions and set priorities. Importantly, it needs to be articulated by IGAD to various interested groups in the region, unlike the current situation where IGAD views itself as having no such role, and is comfortable doing its members' bidding even when this compromises its goals.³⁰

In the IGAD sub-region there is a general lack of consensus on how regional peace and security should look like. The absence of such consensus means that IGAD does not have a mechanism for determining success in its activities and tends to be content with minimal outcomes as long as that satisfies the member states. For instance according to IGAD officials, having a government in Somalia is viewed as a success because a government no matter how

²⁸ See for instance, A. Tekle, 'International Relations in the Horn of Africa (1991-96)', *Review of Africa Political Economy*, vol 23, No.70, 1996, pp.505-9

²⁹ B. Habte-Giorgis, 'The War on Terrorism in the Horn of Africa and its Aftermath' in Sthlm(ed), *Faith, Citizenship, Democracy and Peace in the Horn of Africa*, Op cit, 2008, pp.52-53

³⁰ An interview with an IGAD official PSD conducted on 24/11/2010

bad, is better than no government at all. Yet the truth is that the current situation in Somalia is made worse and more complex than it has ever been.³¹ The situation would have been different had there been a consensus on the expected outcomes as a basis for concerted efforts in Somalia's peace process.

This absence of consensus has led to competing agendas and rivalries, making it impossible to have a common regional peace and security vision which can provide the basis for a regional peace and security strategy and an entry point for IGAD's intervention. Djibouti, Ethiopia and Kenya, prefer a functional but sufficiently weak Somalia, incapable of re-igniting Somali irredentism. On the other hand, it is in the interest of Eritrea, to have a strong, centralized Somalia state capable of menacing Ethiopia, thus, overextending its security commitments. Certainly this will reduce the threat Ethiopia poses. As long as *real politik* takes the centre stage, IGAD's PSA cannot be actualized.

Absence of a Regional Hegemony

A central argument explaining the success of a regional peace and security architecture has been the presence of a regional hegemon which can set the pace and ensure the implementation of regional commitments. The success of the South African Development Community (SADC) and Economic Community of West African States (ECOWAS) has been attributed to the hegemonic role played by South Africa and Nigeria respectively.³² This is due to their capacity to avail the military, financial and diplomatic resources

³¹ An interview with a security expert on IGAD conducted on 22/11/2010

³² On South Africa role in SADC see B. Moller, *The Pros and Cons of Subsidiarity: The Role of African Regional and Sub-regional Organisations in Ensuring Peace and Security in Africa*. Copenhagen: Danish Institute of International Studies, Working paper, No.2005-4, pp.39-40

necessary for regional peace and security initiatives. For instance during ECOWAS's intervention in Liberia and Sierra Leone, Nigeria provided the bulk of forces and financed the operation to a tune of eight billion dollars.³³ Only a few states in Africa can manage to raise eight billion dollars to underwrite such operations.

IGAD is the opposite of SADC and ECOWAS since none of its members can undertake such a hegemonic role. This means that no single state can successfully manage to undertake and underwrite regional initiatives, incentivise and/or apply pressure on other members to cooperate. The outcome has been unwarranted rivalry among members, weakening the capacity to address peace and security issues. In the IGAD region, there are two states which could play such a role but they lack the right balance of political, economic, diplomatic and military resources. Kenya with the largest economy, more developed diplomacy of conflict management and a dynamic and democratic political system has shied away from adopting an activist regional foreign policy preferring be neutral. Ethiopia, which enjoys regional military preponderance, has played a paradoxical regional role. On the domestic front it is fighting against OLF and ONLF and these conflicts have evolved regional linkages. Regionally, it fought with Eritrea in May, 1998 and June, 2000 over their border. Also, it refused to implement the post-war border demarcation recommended by the United Nations established commission.³⁴ Further, it invaded Somalia in 2006 under the pretext that the then increasingly influential Islamic courts were a threat to its national security, and that it had been invited by the fragile TFG.³⁵

³³ A. Adedeji, *ECOWAS: A Retrospective Journey* in Adebajo A, and Rashid, I (eds), *West Africa Security Challenges: Building Peace in Troubled Region*. London: Lynne Rienner, 2004, p.45; B. Moller, *The Pros and Cons of Subsidiarity: The Role of African Regional and Sub-regional Organisations in Ensuring Peace and Security in Africa*, op cit, pp.229-267

³⁴ U. Terlinden, *IGAD-Paper Tiger Facing Gigantic Tasks*, op cit, p.7

³⁵ Heally, *Peacemaking in the Midst of War: An Assessment of IGAD's Contribution to Regional Security*, Op cit p.14

Membership in Multiple Regional Organisations

The member states of the IGAD region belong to more than one regional organisation, which have their own peace and security components. For instance, Kenya and Uganda are members of IGAD, East African Community and the Common Market for Eastern and Southern Africa (COMESA). Sudan and Djibouti are members of IGAD, Arab League, COMESA and the Organisation of Islamic States. It is only Ethiopia which lacks a viable alternative to IGAD.³⁶

Multiple membership poses a challenge to the implementation of IGAD's PSA in various ways. It weakens members' ability to pull together their resources to build up relevant security institutions, since the resources are spread across various regional institutions. Such a spread of resources is ill advised because member states are resource strapped, and leads to a duplication of roles. For instance IGAD, EAC and COMESA have early warning and response systems envisaged to play similar roles. It may also lead to potentially conflicting political commitments of states to opposing objectives. It also encourages states to evade the responsibility of addressing specific security problems by claiming that the responsibility lies with one or other sub-regional organisations.³⁷

While this multiple membership provides different benefits to states whether in the economic, political or diplomatic realms, there is a need for a division of labour. IGAD acting in concert with other sub-regional organisations with a pronounced presence in the region need to rationalize its activities in a way that allows for functional specialisation. The rationalization will enable organisations to prioritise issues in which they have comparative advantage and free up much needed resources.

³⁶ U. Terlinden, *IGAD-Paper Tiger Facing Gigantic Tasks*, Op cit, p.16

³⁷ A. Fentaw, 'A Nascent Peace and Security Architecture in the Horn of Africa: Prospects and Challenges', *Horn of Africa Bulletin*, March, 2010, pp.3-4

In addition to these problems, membership to multiple organisations has opened up the IGAD region to unnecessary meddling by other regional organisations. This is especially so during the mediation of various conflicts. For instance, the Eritrea-Djibouti border dispute was first referred by Djibouti to the Arab League, yet both are members of IGAD. A similar situation applied to the Somalia peace processes which brought in the Arab League and Organisation of Islamic States on the basis that Somalia is a member of both organisations.³⁸ These processes undermine IGAD's mediation capability because they encourage mediator shopping, lack of commitment to IGAD's peace processes, and rival proposals for settlement.³⁹

Extra-Regional Involvement

How to contain extra-regional involvement in the Horn of Africa remains a key challenge. The notion of containment captures the reality that the region is so highly permeable and geo-strategically significant that external intervention cannot be avoided altogether. Geographically, the Horn of Africa maritime region is a critical shipping lane and as evidenced by the impact of piracy, threats to maritime traffic in the region have global consequences. Also, it is a periphery of the turbulent Middle East and by extension the war on terror. In addition the region is a critical foothold in the 'new scramble' for Africa and potentially resource rich.⁴⁰ This has made controlling the regional dynamics complicated. Often external involvement has had negative outcomes.

³⁸ J. Lunn, *Interlocking Crises in the Horn of Africa*. London: House of Commons Library, Working Paper, No.08/86, p.40

³⁹ Risks associated with multiple mediation processes are elaborated in C. Crocker, 'A Crowded Stage: Liabilities and Benefits of Multiparty Mediation', *International Studies*, 2, 2001

⁴⁰ B. Habte-Georgis, 'The War on Terrorism in the Horn of Africa and its Aftermath', Op cit, pp.52-53

The impact of extra-regional involvement which dates back to the Cold War has until now undermined the regional PSA. In the absence of a guiding regional foreign and security policy some involvements are counterproductive. This has been the case with United States led war against terrorism. The US has identified the Horn of Africa as one of its frontline in this war.⁴¹ Although its involvement is justified on security grounds, the way it has gone about it has had negative consequences. For instance it has pressured member states to pass harsh anti-terrorism legislations which undermine human rights and good governance, encouraged extra-ordinary renditions which has fuelled widespread perceptions in the region that the war on terrorism is simply a war against Islam; and a trend where as long as member states are cooperating in this war, the US can conveniently overlook other fundamental issues which undermine democratisation and human rights.⁴²

IGAD's Lack of Resources and Capacities to Actualize PSA

The analysis so far shows that the IGAD PSA is plagued by multiple challenges making it a paper tiger facing gigantic tasks.⁴³ The challenges are further exacerbated by the weak resource – human and financial – capacity of IGAD. The resource constraints facing IGAD's PSA means that even in a more ideal situation, it would still be incapable of implementing its peace and security objectives. The financial capacity of the IGAD PSA is depends on donors who fund all its programmes. Member states contributions are hardly

⁴¹ See N. Lyman and J.S. Morrison, 'The Terrorist Threat in Africa', *Foreign Affairs*, 83, 1, 2004, pp.75-86

⁴² For instance see Human Rights Watch, *Kenya Ethiopia and US Cooperate in Secret Detentions and Renditions*, 20th March, 2007. Available at <http://hrw.org/english/docs/2007/03/30/kenya15624.htm>.2007

⁴³ U. Terlinden, *IGAD-Paper Tiger Facing Gigantic Tasks*, op cit, p.1

enough to cover the costs of running the secretariat, leave alone the implementation of the programmes. They are reluctant to pay their annual contributions and to expand the percentage to at least thirty per cent of overall IGAD expenditures.⁴⁴ This has led to an unhealthy dependence on donors and compromises IGAD's activities. Significantly, the lack of adequate financial resources means that IGAD is incapable of undertaking operations such as peacekeeping and peace enforcement.

Financial under capacity has affected IGAD's ability to hire and retain the required number of staff. This has been attributed to member states' unwillingness to increase staffing levels since doing so requires that they must increase their contributions towards the running of the IGAD secretariat. As a result, IGAD's peace and security division is the most understaffed, yet is the busiest. Currently there is only one conflict analyst at the CEWARN headquarters in Addis Ababa and with the amount of information being received, is overwhelmed and sometimes unable to do the work.⁴⁵ Overall, IGAD's PSA has a third of the required staff.

The final aspect relates to lack of good management practices especially when it comes to the coordination of activities. Most of IGAD's activities are done in an *ad hoc* manner making it difficult to link inputs to deliverables. This is attributable to the absence of a regional peace and security strategy which has left IGAD wrestling with trees rather than shaping the forest, because they lack a bird's eye view of regional security. Such a security strategy is important since it guides not only the establishment of the necessary structures but also their rationalization.⁴⁶ For instance, a good strategy will point out the futility of having an early warning mechanism that is

⁴⁴ Interviews with various IGAD officials

⁴⁵ An interview with senior official, IGAD PSD conducted on 24/11/2010

⁴⁶ M. Mwangiri and K. Njeri, *Human Security in the Horn of Africa: Emerging Agenda*, Op cit, pp.254-5

not supported by effective response capacities or concentration on pastoral conflicts in a region faced by complex security challenges.

Conclusions

This paper has critically engaged in an analysis of the security challenges facing the implementation of IGAD's PSA. That there is a recognized need to have a PSA is an important milestone and acknowledges the need to deal with regional peace and security issues, rather than relying on outsiders to do so. Moreover, it points to the realisation by the members of IGAD that their individual peace and security cannot be realised unless others member states are secure, thus the need for cooperation. However, this acknowledgement is not adequate unless it is backed by appropriate structures and mechanisms which can deliver peace and security. The structures should be guided by the regional environment they target. Importantly such a structure should be equipped with the capacities and enabling environment to effectively carry out their mandate. Drawing from this analysis, the following should guide the enhancement of the PSA.

An effective PSA must be underpinned by a dual understanding of security and a more progressive conceptualization of peace beyond absence of physical violence. This has been lacking as policy makers remain stuck in state centric orthodoxy and continue to give lip service to human security. Yet pervasive threats to human security are the underlying cause of the Horn of Africa tragedy, and the majority of the threats are products of state policies and how they are implemented. Member states must also respect and implement the commitments they make. At the end of the day, a regional PSA can only be as good as its building blocks. In a situation where states are the main generators of threats to peace and security within and outside their jurisdictions, it is naive and wishful thinking to expect

the PSA to be effective and efficient. A true regional PSA will only be possible if members deal with the basics such as good governance, respect for human rights and other measures which consolidate states' legitimacy and builds human security.

The regional structures created must be equipped with the right mandate and resources to undertake their functions. The starting point should be a willingness to cede some sovereignty to such organisations. The failure of regional organisations in Africa is attributable to the incoherence of their mandates and the functions assigned to them. Member state should ratify the IGAD Peace and Security Strategy (IPSS), which Mwagiru *et al* argue is critical since it provides a roadmap for where the region intends to go in the context of security.

Member state must be willing to pay the costs - political, financial or otherwise necessary for the implementation of PSA. That member states cannot manage to staff IGAD to the required levels suggests a deeper problem of political commitment rather than lack of funds. IGAD needs to critically evaluate and re-invent its relevance in the Horn of Africa sub-region. This is because there are competing and overlapping regional organisations with a peace and security mandate. To do so members must radically re-orient IGAD towards specialisation on peace and security since it has superior competencies compared to other regional economic organisations especially the East African Community (EAC).

IGAD needs to interlink its peace and security architecture components. The starting point should be its CEWARN system. The system, which is currently the most advanced in Africa represents a third generation conflict early warning model which integrates conflict early warning and response. However this goal has not been actualized because of restoration on both early warning and early response. On the early warning side, CEWARN faces serious under

capacities in terms of geographical and thematic reach, analytical and predictive capabilities and severely inadequate financial and human resources. On the response side, save for the rapid response fund which primarily targets communal and grassroots peace building in the Karamoja cluster, CEWARN lacks any institutionalised response mechanisms.

These recommendations must be anchored on a regional peace and security strategy. Despite the challenges faced, the quest for an effective peace and security architecture in the IGAD sub-region is not a mirage. Developments such as the largely successful implementation of the Comprehensive Peace Agreement leading to the independence of Southern Sudan on the 9th July, 2011 show that IGAD in concert with other actors is capable of enhancing regional peace and security. By addressing the gaps discussed earlier and taking into consideration the recommendations made, states, communities and individuals in the sub-region can look forward to a future different from the past and present.

Humanitarian Intervention in Africa: A Retrospective Study of Somalia, 1978-2004

Ahamed Mohammed*

Abstract

This article examines humanitarian intervention in Africa. It examines the problems of humanitarian intervention through a case study of the conflict in Somalia, between 1978 and 2001. The article examines the content of humanitarian intervention in international law and distinguishes between humanitarian intervention and humanitarian assistance. It analyses the situation in Somalia in 1978-2004 and argues that there were sufficiently gross human rights abuses that would have justified humanitarian intervention. The article analyses the reasons for the failure of the United Nations and the OAU to intervene in the Somalia conflict, and draws some lessons to be learnt from the Somalia experience.

Introduction

Humanitarian intervention is a developing area of international jurisprudence. While intervention, the right of one state to intervene in the domestic affairs of another state, has attracted a lot of debate, this has not been the case with humanitarian intervention based on universal human rights. Humanitarian intervention initially posed a challenge for an international society built on principles of sovereignty, non-intervention and non use of force.

General intervention violates international law. In positivist terms international law was essentially concerned with interactions between states, and consequently what happened inside a state, including the treatment of its nationals was considered to be outside

* Brigadier Ahamed Mohammed works with the Kenya Defence Forces. He holds an M.A. in International Studies from the Institute of Diplomacy and International Studies, University of Nairobi

the purview of international law. The traditional doctrine of non-intervention prevented a state or group of states from any incursion into another state without its consent. This was a commonly accepted rule but exceptions now abound as individuals are increasingly becoming subjects of international law,¹ with a concomitant decline of the stature of states. State sovereignty has thus been diminishing with the recognition of universal human rights. While the legal status of humanitarian intervention may be debatable, with the universalisation of human rights, the use of force by a state or group of states in another state in the event of gross violation of human rights by a government against its own citizens is universally accepted and justified.

In establishing a legal and moral case for humanitarian intervention, it is important to recognize it as a duty based on respect for humanity in averting gross human rights violations. Human rights are an important part of international law. Human rights violations must be considered a moral issue, and a security threat, which must be managed through humanitarian intervention, if the objective of a more secure, stable and prosperous world is to be realized.

Using Somalia from the end of its conflict with Ethiopia over the Ogaden Province in 1978, this article argues the case whether humanitarian intervention in the face of gross human rights abuses at different periods in Somalia could have averted the collapse of the state and the resulting mass human suffering.

The Somali Nation-State

At independence in 1960, Somalia was a nation-state since it had the characteristics of a common people, shared language, culture and a 99

¹ Jarat Chopra. 'The New Subjects of International Law.' *Brown Foreign Affairs Journal*. Spring 1991, pp. 27-30.

per cent Muslim population.² Mazrui, notes that “most other African countries are diverse people in search of a sense of national unity. The Somali were already a people with a national identity in search of territorial unification.”³ While these attributes would be beneficial to the process of nation-state building, social integration, coherence and harmony, in Somalia the common religion, shared cultural values and language did not guarantee sustainable social cohesion, stability and peace after independence. The events in the following thirty years show that a common language, culture, and religion are insufficient to make a stable nation-state. While the Somalis were capable of nationalist emotions, they were not yet fully a nation.⁴

Human Rights Abuses in Somalia under Barre

During its 21 years in power, the Siyad Barre regime committed atrocities against the Somali peoples causing destruction, retribution and upheaval. Incidents of gross violations of human rights will be highlighted with a view to identifying, in retrospect, where humanitarian intervention was appropriate.

The first effective opposition against the Barre regime happened in April 1978, immediately after the army’s humiliating defeat in the Ogaden, when some Majerteen clan officers organized an unsuccessful coup. For opposing his regime through the failed coup, Barre organised systematic revenge against the Majeerteen clan in the central and north eastern regions. Many Majerteen military and civilian leaders were imprisoned and seventeen alleged ringleaders

² Laitin, David and Said Samatar, *Somalia: A Nation in Search of a State*. Boulder, Colorado: Westview Press, 1987.

³ Mazrui, Ali A. *The Africans: A Triple Heritage*. Boston: Little, Brown, 1986, p.71.

⁴ Mazrui, Ali A. ‘From Tyranny to Anarchy’ in Hussein M Adam and Richard Ford (eds.) *Mending Rips in the Sky*. Lawrenceville: The Red Sea Press, Inc. 1997.

summarily executed.⁵ A crackdown on innocent civilians of the Majeerteen clan for their support for the coup followed. This was the first major gross violation of human rights since the atrocities were directed to a specific ethnic community.

The Isaaq clan occupy the northern part of the country. The Somali National Movement (SNM) was formed as an Isaaq clan organization dedicated to removing Barre. The SNM launched the first and most serious rebellion in the north through guerrilla attacks in 1988, briefly capturing Burao and part of Hargeysa.⁶ Government forces, unable to prevent the uprising unleashed a bloody repression against the civilian population. Using aircraft and heavy weapons, government forces bombarded the towns heavily, forcing the SNM to withdraw and making more than 300,000 Isaacs flee to Ethiopia.⁷ It is estimated that about 50,000 Isaaq were killed by government troops in Hargeisa between May and December 1988, while 450,000 Somali's fled to Ethiopia⁸ seeking refuge while an additional 600,000 were internally displaced.⁹ About 1,000, including women and children, were alleged to have been bayoneted to death.¹⁰ The genocide and forced displacement of the Issak from their territory, was a gross violation of human rights which called for humanitarian intervention.

The Hawiye occupy the south central portions of Somalia. The capital town, Mogadishu, is located in the country of the Abgaal, a Hawiye sub-clan. In the late 1980s, disaffection set in among the

⁵ Africa Watch Committee, *Somalia: A Government at War with its own People*. New York: Africa Watch Committee, 1990.

⁶ Metz, Helen Chapin. *Somalia: A Country Study*. Washington DC: The American University, 1993.

⁷ Africa Watch Committee, *Somalia: A Government at War with its own People*. New York: Africa Watch Committee, 1990.

⁸ *Guide to Canadian Policies on Arms Control, Disarmament, Defence and Conflict Resolution* Ottawa: Canadian Institute for International Peace and Security, 1990.

⁹ Op. cit.

¹⁰ Prunier, Gerard. 'A Candid View of the Somali National Movement'. *Horn of Africa*, XIII, No 3-4/ XIV, 1-2, 1990-1991.

Hawiye who felt increasingly marginalized in the Barre regime. In 1989, Hawiye clans in central Somalia formed their own opposition movement, the United Somali Congress (USC), and also established guerrilla bases in Ethiopia. The clan was subjected to ruthless assault and atrocities¹¹ by government forces that were comparable to those against the Majeerteen and Isaaq. This was gross violation of human rights as it was directed against a specific community.

On July 9, 1989, Somalia's Italian-born Roman Catholic bishop, Salvatore Colombo, was shot in his church in Mogadishu by an unknown assassin. Barre blamed the killing on Muslim religious leaders in an attempt to discredit rising Islamic sentiments. This led to the arrest of prominent Somali politicians, intellectuals and religious leaders who were accused of being involved in the killing. This was followed by the July 14 massacre, when 450 Muslims demonstrating against the arrest of their spiritual leaders were killed and more than 2,000 others seriously injured.¹²

In May 1990 a manifesto signed by 144 well known and moderate political leaders was published in Mogadishu calling for a national conference to reconcile the various movements and ethnic groups.¹³ An anti Barre demonstration on July 6 1990 deteriorated into a riot, causing Siad Barre's bodyguard to panic and open fire on the demonstrators killing at least sixty-five people.¹⁴ Barre sentenced the forty six prominent members of the Manifesto Group, the body of 114 notables who had signed a petition in May 1990 to death. The killing of the sixty five people and jailing of the manifesto group were human rights abuses; they interfered with the political freedom of individuals. It however did not constitute gross violation of human

¹¹ Somalia: A long-term human rights crisis, *Amnesty International*, 1988.

¹² Metz, Helen Chapin. *Somalia: A Country Study*. Washington DC: The American University, 1993.

¹³ Op.cit.,

¹⁴ Ibid.,

rights requiring humanitarian intervention. If the target was on a specific ethnic group which it was not, or specifically addressed a religious group, then it would have invited humanitarian intervention.

On 27 January, 1991 the Somali government collapsed as Barre fled Mogadishu¹⁵ following attacks from SNM and USC. Since the fall of the Barre regime in January 1991, Somalia has been without a central government. In November 1991 full-scale war over Mogadishu began in earnest and lasted for four months. According to humanitarian agencies, inter-factional fighting in the capital, Mogadishu, and the south left an estimated 30,000 civilians dead by March 1992. Humanitarian organisations, mainly UNHCR, and human rights groups believed that at least one million of the estimated eight million Somali population fled to neighbouring countries, with another estimated 1.7 million people becoming internally displaced persons.¹⁶

Somalia was beset by inter-clan warfare, banditry, and famine. As the clan war progressed, minority communities were killed, raped and forcibly expelled by the militia of clan-based factions. The killing and suffering of minority communities constitute gross violation of human rights. Humanitarian intervention was appropriate to address the suffering of the minority communities.

Human Rights Abuses in the Post-Barre Period, 1991-2004

The Somali state collapsed with the disintegration of the state and the establishment of various warlord controlled zones. Different forms of violations of human rights happened in Somalia after the collapse of

¹⁵ United Nations Department of Public Information. *The United Nations and Somalia: 1992-1996*, New York, 1996.

¹⁶ Ahmed, I. and Green, R. H., 'The heritage of war and state collapse in Somalia and Somaliland'. *Third World Quarterly*, 20 (1): 1999, pp, 113-27.

the state. The worst atrocities occurred immediately after the collapse of the state in 1991 and 1992, as the factions struggled to take power immediately after Barre's unseating. There was evidence of genocide, arbitrary killings, rape, torture, and ethnic cleansing in Somalia which amounted to gross violations of human rights.

Massacre accounts for the majority of the civilian dead in Somalia after the collapse of the state. The major atrocities were committed in Mogadishu. Indiscriminate shelling by the rival forces of Ali Mahdi and General Aideed reached its extreme between November 1991 and March 1992, when shelling by artillery killed at least 14,000 people and injured some 27,000, the majority of who were civilians.¹⁷ A clash in September 1994 between Ali Mahdi's Abgal forces and a rival leader of the USC, Mohammed Kanyare who headed the Murosade faction in the neighborhoods of Bermuda and Medina in South Mogadishu illustrated the abuses of human rights.¹⁸ Fighting broke out between Murosade and Abgal militias and soon spread to Medina. Abgal forces apparently responded after Kanyare brought in militia and heavy weapons into the area and received the support of Habr Gedir militia forces. Heavy weapons were reportedly used indiscriminately, without concern for the protection of civilians, and the looting and burning after the fighting followed strict clan lines.

The USC organised and armed vigilantes to systematically carry out indiscriminate massacre of anyone who was identified as Darod.¹⁹ This act was apparently justified on the basis of Barre's clan identity

¹⁷ Africa Watch (now Human Rights Watch/Africa). 'Somalia-A Fight to the Death'. *Human Rights Watch Short Report*, New York, February 13, 1992.

¹⁸ *Human Rights Watch/Africa*, 'Somali Faces the Future: Human Rights in a Fragmented Society', Vol. 7, no.2, April 1995.

¹⁹ Samatar, Ahmed. The Curse of Allah: Civic Disembowelment and the Collapse of the State in Somalia, in Ahmed I Samatar (ed.) *The Somali Challenge: From Catastrophe to Renewal?* Boulder: Colorado: Lynne Rienner Publisher, 1994.

and naively on the belief that a Darod hegemony had oppressed others since time immemorial. These tragic deeds were being carried out under the political programme of the USC, an organisation that claimed to have been founded to “restore human rights and democratic liberties for Somali citizens, and establishing democratic systems and institutions.”²⁰ This was followed by the mass displacement of civilians who became refugees in neighbouring countries or became internally displaced. This wholesale clan killing and the ensuing exodus, followed by the deliberate expropriation of property and land, were gross violations of human rights, and justified humanitarian intervention in the collapsed state.

Extrajudicial execution was a political tool to eliminate particular individuals from certain ethnic communities. The execution site was Mogadishu’s Red Square. Political murder of community leaders was common, and sometimes motivated by efforts at reconciliation led by traditional clan leaders as warlords aimed to preserve their control by disrupting inter-clan reconciliation. In February 1995, a sultan and nine other Degodia people were seized and slaughtered by Habr Gedir militia, apparently for having sought to promote reconciliation with other sub-clans.²¹

In December 1992, a warlord Col. Ahmed Omar Jess, a member of the Ogaden subclan, sent his forces in a house to house search in the southern port of Kismayu, to seize and kill prominent members of the Harti sub-clan. Human Rights Watch received the names of 126 clan elders, religious leaders and others from the Harti community who were reportedly killed in Kismayu during this period.²²

²⁰ Compagnon, Daniel. ‘The Somali Opposition Fronts: Some Comments and Questions’ *Horn of Africa Journal*, XIII: 1&2, 29-54, p.41.

²¹ *Human Rights Watch/Africa*, ‘Somali Faces the Future: Human Rights in a Fragmented Society’, Vol. 7, no.2, April 1995.

²² Human Rights Watch/Africa “Somalia: Beyond the Warlords; The Need for a Verdict on Human Rights Abuses,” A Human Rights Watch Short Report, vol. 5, no. 2, 1992, p. 10.

Killings and forced displacement on the basis of clan identity became a regular feature of Somali society. The expulsion of civilians from rival or weaker communities was the objective of clan-based militias. Even at the height of UNOSOM's military presence in Somalia, operations by competing warlords resulted in the expulsion of members of other clans from whole territories. The displaced were those who presented a military or political challenge to the superior clan.

In April 1994, longstanding rivalry between the Hawaadle and Habr Gedir subclans led to an outbreak of fighting in South Mogadishu that illustrated these divisions of society.²³ After fierce clashes, Gen. Aideed's Habr Gedir militia won. The defeated Hawaadle were expelled wholesale from the city. The Habr Gedir militia went after civilians throughout South Mogadishu, specifically targeting Hawaadle households. Many Hawaadle were pulled out of their houses, killed and their bodies displayed in public as a warning to others. Ninety-eight per cent of the Hawaadle in South Mogadishu were displaced from their homes.²⁴ The expulsion and summary executions carried out at that time represent a clear case of ethnic cleansing and evidence of gross violations of human rights. This clearly justified humanitarian intervention.

Rape and sexual abuse of women by armed men of rival clans' militias or bandits has been a persistent and endemic feature of the Somali conflict.²⁵ Women and others who lack the protection of powerful clan structures, were among the hundreds of thousands of displaced peoples, and were particularly vulnerable. The problems

²³ Prendergast, John. *The Gun Talks Louder Than the Voice, Somalia's Continuing Cycles of Violence*. Washington, D.C.: Center of Concern, July 1994, p.8.

²⁴ Ibid.,

²⁵ Human Rights Watch/Africa, 'Somali Faces the Future: Human Rights in a Fragmented Society', *Human Rights Watch Vol. 7, no.2*, April 1995.

of women in Baidoa needs mention. The enormous toll of famine and war that peaked in 1992 had Baidoa, in Bay region, as its virtual epicenter, with women and children predominant among the dead. Of the women who survived, many were displaced by the conflict. Most men left their families when the war started because they were the main targets, or to join the fighting. However, women and children were unable to run and thus remained in Baidoa becoming vulnerable to the militia. Rape was a tactic of war used by all the militias, throughout.

Analysis of Humanitarian Intervention in Somalia

As a result of gross human right abuses brought down on the Somali people, a lot of lives were lost under the Barre rule and thereafter following the collapse of the state and the civil war. The state is still in a state of chaos and anarchy prevails as the clans struggle for power. Human rights abuses continue unabated and not much has been done to contain the situation.

The Somalia experience raises important issues relating to humanitarian intervention. In order to avoid confusion with other humanitarian operations, humanitarian intervention involves coercive military operations in a state to address massive human rights violations or relieve widespread human suffering and undertaken without the consent of that state.²⁶ Humanitarian intervention happens when there are gross violations of human rights like in genocide and large scale loss of life, as a result either of neglect or deliberate state action, or state inability to act, or a failed state situation. It also happens where there is large scale ethnic cleansing, whether carried out through killing, forced expulsion or acts of terror. The Somali

²⁶ Murphy D Sean. *Humanitarian Intervention: The United Nations in an evolving World Order*. Philadelphia: University of Pennsylvania Press, 1966.

case, under Barre and thereafter meets all these requirements and therefore justified humanitarian intervention.

Not all interventions on humanitarian grounds are humanitarian. An authentic humanitarian intervention in Somalia would not have concentrated simply on offering humanitarian assistance, although that could have been one of its subsidiary purposes, or seeking a political settlement to the conflict. It would have been predicated on a judgment about perpetrators and victims in the war, and would have been devoted to restraining the perpetrators of human rights abuses while protecting the victims. At no point in the conflict in Somalia did the UN include humanitarian intervention in any of its resolutions on Somalia. Human rights abuses by the various warring factions thus continued unabated. The UN did not properly interpret humanitarian intervention as there is no logic in ensuring that relief supplies reach a population without caring for the security of the same people who were under constant threat of gross human rights violations from the warring factions.

The OAU and its member states failed to intervene in Somalia because of the principle of non intervention in the internal affairs of states. The Constitutive Act of the AU now allows for humanitarian intervention in African states in the event of gross human rights violations. The biggest challenge for the AU and other likely interveners, however will be the determination of an appropriate threshold for humanitarian intervention. Thus some guidelines that can be used to determine unacceptable thresholds in an impending or ongoing violation of human rights are necessary. Such substantive guidelines or criteria would indicate the existence of gross violations of human rights and attract humanitarian interveners.

Another major issue arising from the Somali case is that while humanitarian crises and the breakdown of government may be considered a threat to international peace and security, gross violations

of human rights need to be given preference to these and other issues. While there was a connection between human rights and threat to international peace in Somalia, the main rationale for UN action was still the traditional threat to peace. However due to its unilateral character, humanitarian intervention need not necessarily be limited to Security Council authorisation since it can be undertaken unilaterally by a group of states or by an individual state in the event of gross human right violations.

Humanitarian intervention should not be employed to ensure basic human rights. By the same token, the observance of democratic ideals and the consequent use of force to ensure democracy is not a justification for humanitarian intervention. Thus while democracy may ensure and promote the observance of human rights, humanitarian intervention cannot be employed to enforce or restore democracy. In gross violations of human rights however, humanitarian intervention may bring about regime change. For the case of Somalia, this could have happened under Barre's rule during the massacres of the Isaak, Hawiye and Majerteen when gross human rights violations were inflicted on these communities.

Possible Interveners in Somalia

There was confusion, uncertainty and reluctance to intervene in Somali. In retrospect, had the international community intervened through humanitarian intervention, many of the catastrophes that unfolded in Somalia could have been avoided. In theory, there should have been no shortage of interveners. Somalia was a member of the Arab League and the OIS. It was a close ally of the US and the west, receiving millions of dollars in economic and military aid. It had good relations with the former colonial powers of Britain and Italy. Finally, Somalia was a member of the OAU and the United Nations.

The Security Council adopted six resolutions on the Somali situation in 1992²⁷ but none specifically addressed humanitarian intervention. The UN resolutions were all based on threats to international peace and security. In Security Council Resolution 794, a link was made between the magnitude of the human tragedy caused by the conflict in Somalia and the threat to international peace and security. Major human rights violations were, for the first time linked with Chapter VII to justify military intervention. However, while the debate in the Security Council centred on humanitarian reasons, and while the primary reason for acting was humanitarian,²⁸ the actual conduct was not the use of force to contain gross violations of human rights but use of force to ensure the distribution of relief supplies to needy people. In essence this was humanitarian assistance and not intervention as reflected in resolution 794 which authorised member states ‘to use all necessary means to establish a secure environment for humanitarian relief operations.’ The gross violations of human rights as perpetrated by the warring clans continued as the mandate of 794 did not entail stopping such violations.

Resolution 794 had profound implications for international humanitarian law. The Security Council circumvented the implied requirement to enter a country only with the consent of the government by recognizing the destabilizing potential of widespread famine and continued civil war in Somalia as a threat to international peace.²⁹ The reticence by some members of the Security Council to intervene in the domestic politics of a state (even a failed state) without a formal request

²⁷ Malanczuk, P. *Humanitarian Intervention and the Legitimacy of the Use of Force*. Amsterdam: Het Spinhuis 1996.

²⁸ Roberts, Adam. ‘Humanitarian War: Military Intervention and Human Rights’. *International Affairs*, 69/3, 1993, pp. 429-49.

²⁹ Hutchinson, Mark R. ‘Restoring Hope: UN Security Council Resolutions for Somalia and an Expanded Doctrine of Humanitarian Intervention’, in *Harvard International Law Journal*, 34 Spring 1993, pp. 624-40.

from political representatives was conveniently overcome through a Somali request for UN intervention in the form of a letter from the Somali *Charge d'affaires* in New York who, in reality, represented no one.³⁰ This was not necessary since in humanitarian intervention, the consent of the state or any other authority is not necessary and the action is undertaken for the sole purpose of containing the prevailing gross human rights violations.

Roberts argues correctly that the Somalia was exceptional because it was not a case of intervention against the will of the government, but of intervention when there is a lack of government following state collapse.³¹ Essentially there was no objection to Resolution 794 because there was no issue of eroding the principle of sovereignty of a state because the state of Somalia had ceased to exist. Similarly, it is inconceivable that the United Nations, would have blocked any state or group of states from unilateral humanitarian intervention in Somalia to stop the gross violations of human rights after the departure of Barre when such intervention could have saved hundreds of lives. It is unfortunate that at no point in the foreign intervention in Somalia has any organisation or state expressly put forward the doctrine of humanitarian intervention as a legal argument for its intervention. Thus UNITAF and UNOSOM I and II, implemented on the various UN resolutions, but did not address the gross human rights violations so that these crimes continued unabated during the period of the conflict and after. Thus, despite the various incidents of human rights abuses in Somalia, the UN action, though legitimate, was at no point undertaken as a humanitarian intervention.

Africa's traditional posture of non-interference in the internal affairs of states was reversed with the establishment of the AU. Africa has now come to assert priorities in humanitarian intervention

³⁰ Op. cit.

³¹ Ibid.,

through the Constitutive Act of the African Union. This Act allows for intervention in cases of gross violations of human rights, without the consent of the target state in a way that the former Organisation of the Africa Unity (OAU) never did. Article 3 of the OAU Charter stated, amongst other principles, ‘the strict adherence to the sovereignty and equality of all member states; non-interference in the internal affairs of states; respect for the sovereignty and territorial integrity of each state; and for its inalienable right to independent existence.’³² In stark contrast, Article 4(h) of the AU provides for the right of the African Union to intervene in a member state in respect of grave circumstances, namely war crimes, genocide and crimes against humanity. It also provides leeway in the criteria for intervention in as much as Articles 4(m), 4(o), and 4 (p) respectively provide for respect for democratic principles, human rights, the rule of law and good governance; respect for the sanctity of human life, condemnation of terrorism and subversive activities; and condemnation and rejection of unconstitutional changes of government.

The AU Act is the first international treaty to recognise the right to intervene for humanitarian purposes.³³ It also reflects a growing recognition that the principle of sovereignty cannot be used as a shield by oppressive leaders who continue to abuse their people.³⁴ Further, if leaders are held responsible for abusing their people, intervention will be considered as a means to end violence and restore peace. Most significantly, Africa is defining and asserting its own priorities as it now has sufficient leeway to sanction intervention missions on the continent.

The African Union has thus come to terms with the changed

³² OAU, *OAU Charter*, Article 3(1-3).

³³ Baimu, E and K. Sturman, ‘Amendment to the African Union’s right to intervene: a shift from human security to regime security’, *African Security Review*, 12/2 (2003), p.40.

³⁴ Du Plessis, L, ‘Conclusion: The Challenge of Military Intervention’, in L. Du Plessis and M. Hough, *Managing Africa’s Conflicts: The Challenge of Military Intervention*. Pretoria: HSRC, 2000, p. 337.

realities of the African state system by accepting intervention in internal affairs of states that engage in gross violations of human rights. The traditional constraint against interfering in the internal affairs of another state is history and humanitarian interference in gross violations of human rights, now takes precedence.

Lessons from the Somalia Conflict

There is a clear legitimacy for humanitarian intervention in gross violations of human rights. Humanitarian intervention is an acceptable practice, where there is gross violation of fundamental human rights. Such intervention may be undertaken by the UN, a regional organisation, a group of states or a single state in the event of gross atrocities by a state or in the case of a civil war by the warring factions, as in the case of Somalia, without the consent of the state or parties involved.

Sovereignty is not an absolute but a set of attributes that can be curtailed when gross violations of human rights happen. Thus state sovereignty, which in the past has been invoked in challenging humanitarian intervention, must represent the result of a social contract between the government and the citizens to ensure good governance. Some of the components of sovereignty have already been embedded in humanitarian norms, such as in the United Nations' Universal Declaration of Human Rights, the Genocide Convention of 1948, and the Geneva Conventions of 1949, all in pursuit of the observance of human rights and the welfare and dignity of the individual. The doctrine of humanitarian intervention now prevails over sovereignty and non intervention. It is against this background that the legitimacy and paramount role of humanitarian intervention has been affirmed.

A clear lesson that has emerged from the Somalia conflict is that it is wrong to link the gross violations of human rights and

general human suffering to the return of peace to the state or the provision of a political solution to the crisis. There is no doubt that prospects for peace, stability and national reconciliation were going to continue to be affected by clan rivalry, power struggles and the absence of social and political institutions. The only answer then was to undertake humanitarian intervention to bring order and peace for the population and then seek the political solution to the conflict once order had been restored. It is therefore prudent that in situations of gross violations of human rights, humanitarian intervention precedes a political settlement of the conflict.

Conclusions

The Somalia case demonstrates the high cost of waiting too long. By 1987, the internal conflict, growing humanitarian crisis and the need for outside intervention were imminent. There was a reluctance to address the humanitarian crisis, while no efforts were taken towards humanitarian intervention in spite of gross human rights violations. The reluctance to undertake humanitarian intervention by the western powers in Somalia may be attributed to the fact that with the end of the Cold War, Africa lost its geo-strategic significance to the major powers. In a uni-polar world, the Horn of Africa particularly lost its relevance in terms of US foreign policy priorities.³⁵ However the international community embodies a common good that cannot be reduced to states individual interests. Thus the international community and individual states have a collective responsibility to protect citizens irrespective of their nationality in conditions of gross violations of human rights even when the envisaged humanitarian intervention does not directly relate to the interests of the intervening state.

³⁵ Schraeder, Peter J. *United States Foreign Policy toward Africa : Incrementalism, Crisis, and Change*. Cambridge: Cambridge University Press, 1994, p. 160.

One clear lesson from the Somali case is that humanitarian intervention was never employed at any point in the Somalia crisis and all the actions taken constituted humanitarian assistance. It is expected that after Somalia, Rwanda and Darfur, the UN, regional organisations and individual states have greater propensity to seriously consider humanitarian intervention in Africa in instances of gross human rights violations, and to employ it in a timely manner. As the AU has embraced intervention in states that do not conform to human rights standards, it now needs to establish clear norms for humanitarian intervention and play a lead in this regard. Following the atrocities committed by states against their citizens and regardless of the legal intricacies, in the present political climate any state engaged in abuses against its citizens, is more likely to invite humanitarian intervention to a greater degree than at any other time.

The internal affairs of states have now become a more important component of the international system, consequently the global community has an obligation to individuals in the event of gross violations of human rights. Currently, the Westphalian system of state sovereignty is disintegrating particularly in Africa and humanitarian intervention may be undertaken against states and warring factions that perpetrate gross violations of human rights against peoples particularly in situations of ethnic conflict. No state should be allowed to invoke the principle of sovereignty when accused of serious human rights violations. Humanitarian intervention in Africa will be needed where a repressive state is unwilling to protect its citizens or is itself the cause of such abuse.

The intention expressed by the AU in its Constitutive Act, in not tolerating abusive states that hide behind the barriers of sovereignty, can be recognised as a positive development for a reversal of negative perceptions regarding the usefulness of humanitarian intervention in contemporary Africa politics. Any significant actions for Africa in the

search for continental peace depends above all, on the political will of African states. While humanitarian intervention should in most cases be regarded as an action of last resort, when conducted in a legitimate way, it would serve as deterrence to gross violations of human rights.

Politics of Peacekeeping in Africa - The Oau in Chad 1981-1982, and Ecomog in Liberia 1990-1997

C. Tai Gituai*

Abstract

This article analyses the issues and problems of peace keeping by the regional organization and sub-regional organisation in Africa. Following the post-cold war encouragement for Africa to establish its own peacekeeping competence, the article examines the prospects for peacekeeping that Africa undertakes on its own. Specifically the article analyses the challenges that Africa regional and sub-regional organisations have faced in their peacekeeping engagements, through case studies of the OAU in Chad 1981-1982, and ECOMOG in Liberia 1990-1997.

Introduction

During the Cold War, traditional peacekeeping common and peacekeeping took the shape defined by the political realities of the period.¹ This involved military deployment between belligerents to monitor cease-fires, assist in troop withdrawal, and the creation of the environment for negotiations. The United Nations Emergency Force (UNEF I) in the Suez crisis,² was the first UN peacekeeping operation to deploy troops. The principles of traditional peacekeeping evolved in this operation. These principles are the consent of the parties to the

* Brig C. Tai Gituai works with the Kenya Defence Forces. He has an MA in International Studies from the Institute of Diplomacy and International Studies, University of Nairobi

¹ White, D, *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security*, Manchester and New York; Manchester University Press, 1997, pp. 207-278.

² Gordenker L and Weiss, T.G (ed), *Soldiers, Peacekeepers and Disasters*, London; International Peace Academy and Macmillan, 1991, p.4.

conflict, impartiality of the peacekeeping force, and the prohibition of the use of force except in self-defence.³

Peacekeeping has evolved through practice and is not mentioned in the United Nations Charter. The first peacekeeping mission in Africa was the Operations in Congo (ONUC) from 1960 to 1964, In the Congo, the UN used military force against Katanga rebels to preserve the unity of the state of Congo. In the post-Cold War period, the UN moved away from the traditional peacekeeping, which largely addresses inter-state conflicts, to multifunctional peace keeping, which targets internal conflicts. Western countries especially the USA started pushing for the African continent to establish its own peacekeeping organizations and take responsibility over its region. This increased the politics and challenges of peacekeeping missions and has further complicated UN peacekeeping forces management.⁴ This article examines whether as Africa undertakes peacekeeping on its own, it will manage without the support of the international community. The article also examines how regional and sub regional organizations in Africa have undertaken these tasks, the political challenges involved, and the level of success attained. It does this through a critical analysis of the OAU peacekeeping mission in Chad from 1981-1982 and ECOMOG in Liberia from 1990-1997.

Philosophy and Concept of Peacekeeping

Peacekeeping is not specifically defined in the UN Charter. It has evolved over time and is now accepted as one of the methods of implementing the peace and security agenda of the United Nations.

³ Berman, G and Sams E K, *Peacekeeping in Africa: Capabilities and Culpabilities*. Institute of Security Studies and United Nations Institute for Disarmament Research, United Nations Publications, 2000, p 29.

⁴ Brown M.E, Oudraat C J, 'International Conflict and International Action,' in Brown, E. M. Cote, Jr. Lynn OR, Jones S.M and Miller, S.E(eds), *Nationalism and Ethnic Conflict*, London. The MIT Press, 1997, pp 242-248.

The UN has defined peacekeeping as an operation involving military personnel, but without enforcement powers, undertaken to help maintain or restore international peace and security in areas of conflict. These operations are voluntary and do not achieve their objectives by use of force. This contrasts them with the ‘enforcement actions’ of the UN.

The distinctive aspect of peacekeeping is the absence of coercive force; its basis is peaceful action rather than, persuasion by force. Peacekeeping has been identified by Forsythe as one of three interrelated functional elements an international organization may undertake to intervene in a conflict.⁵ The objective of the first functional element of peacekeeping, is to limit or curtail violence in a conflict. The second is peacemaking, which involves helping to resolve the substantive issues of the conflict. The third is peace building which targets conflict management through socioeconomic programmes. A peacekeeping venture, by itself, does not resolve a conflict it is a stop-gap measure or a holding action.⁶

There are two types of peacekeeping, traditional and multifunctional. Traditional peacekeeping is conducted in several ways which may include the military interposition of peacekeeping troops, peace observation, humanitarian and electoral assistance, disarmament⁷ and peace enforcement.⁸ Fabian and William Durch. argue that the traditional peacekeeping rests on the use of military force by a third party-usually an international organization-to intervene in a conflict. Traditional peacekeeping had its limitations, which reflected the politics of the Cold War.

⁵Forsythe D P *United Nations Peacemaking*, Baltimore; The Johns Hopkins University Press, 1972, pp 1-3.

⁶ *The Blue Helmets, A Review of United Nations Peacekeeping*, United Nations Department of Public Information, New York, 1985, p. 3

⁷ Berdal M, *Whither UN Peacekeeping* Adelphi Papers 281 London, Brassey 1993 p3.

⁸ *Ibid* pp3

Multifunctional peacekeeping is a contemporary concept. It is usually mandated to undertake various functions, including post-conflict economic reconstruction. The Post-Cold War world has moved from traditional to multifunctional peacekeeping. This was based on the Security Council's desire to address the complex problems posed by internal and regional conflicts. Both types of peacekeeping however share similar tasks like monitoring cease-fires, troop withdrawals, prisoner exchange, disarmament demobilization and rehabilitation (DDR), providing support to human rights agencies, and supporting the restoration of human rights.⁹

The differences in the two types of missions are mainly in their mandates. Multifunctional peacekeeping mandates are wide-ranging and are more political in their approach. In them the UN enters when a cease-fire has been negotiated and the mission has limited political goals. It is therefore a post-conflict undertaking. Ultimately a peacekeeping mission is considered successful, if it achieves all the tasks defined in its mandate, and partially successful if it achieves some of the tasks in the mandate.

The UN's ability to engage in peacekeeping is mandated by Chapter VI and VII of the Charter. These state that it is mandated to seek settlement and resolution of conflicts in a bid to achieve international peace and security. Article 37(2) stipulates that if the Security Council deems that the continuance of a dispute is likely to endanger the maintenance of international peace and security, the Security Council shall decide whether to take action under article 36 or, to recommend terms of settlement. These terms may encourage settlement of disputes through negotiation, mediation, conciliation, arbitration or other 'peaceful means' as the first step in the

⁹ Wilkinson P, 'Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies,' *International Peacekeeping Journal*, Vol 7, No 1, 2000 pp 63-79.

management of the conflict.¹⁰ These ‘peaceful means’ may include traditional peacekeeping deployment as part of the UN endeavor to settle disputes.

Regional organizations are recognized under Chapter VIII of the Charter. They can contribute to the maintenance of international peace and security in accordance to the principles of the United Nations. Regional arrangements like ECOMOG in Liberia 1992-1997 and OAU in Chad 1981-1982 have participated in various missions.

The U.N. system, through its peacekeeping experience and practices, has over time developed some norms, principles and requirements for an effective peacekeeping operation. These principles form the backdrop to the analysis of any peacekeeping undertaking.¹¹ They are consent, impartiality, cooperation, non-use of force and a clear mandate.

The consent of the parties to the conflict and the countries contributing troops to the multinational peacekeeping force is a prerequisite for the deployment of peacekeeping. It is sought through negotiations, and when accepted the parties agree on ceasefire or withdrawal, in order to allow the deployment of peacekeeping. However, the principle of consent may not apply depending on the situation. In internal conflicts, where it is usually low, basing the peacekeeping doctrine on consent is unwise and contrary to experience gained from past missions.¹²

Impartiality is vital for the preservation of the legitimacy of any peacekeeping mission and its success. It is based on the objective of

¹⁰ The Charter of the United Nations, Article 33.

¹¹ Nathan A P, *Peacekeeping on Arab-Israeli Fronts: Lessons from the Sinai and Lebanon*, Boulder, West View, 1984, Chapters 1-3 and 7; Henry Wiseman (ed.), *Peacekeeping, Appraisals and Proposals*, New York, Pergamum Press, 1983.

¹² Jakobsen P V ‘The Emerging Consensus on Grey Area Peace Operations Doctrine’: Will it Last and Enhance Operational Effectiveness in International Peacekeeping? *International Peacekeeping Journal*, Vol 7, No.2, 2000, pp 55 -75

ensuring that focus is maintained in pursuing the mandate regardless of provocations or challenge. However, it has been acknowledged that in internal conflicts impartiality is particularly challenging. There are thus some occasions when impartiality need not be sought for the sake of the overall mission objective.¹³

Cooperation is the crux of the peacekeeping which is essentially a non-coercive military mission. Lack of cooperation from the parties involved can undermine the capability, credibility, and impartiality of the peacekeeping force. With cooperation comes the leverage and persuasive power to encourage hostile parties to negotiate.”¹⁴

The principle of non-use of force is basic to peacekeeping. A peacekeeping force may serve as a deterrent, a stabilizing presence, and occupy a buffer zone position. However, peacekeeping force may use the minimum force necessary to achieve its mandate. This implies that peacekeepers should be ready for peace enforcement and that they have a right for self-defense in proportion to the threat posed. It has however been argued against the use of force that there can be a military retaliation over political disputes which may influence the political dynamics of the conflict.

A clear unambiguous mandate of the peacekeeping mission is key to its success or failure. During the Cold War, the political interests of the superpowers in conflict areas determined the approach and the mandate. Based on this, peacekeepers had limited political goals and tasks and were only focused on the traditional peacekeeping under military command.¹⁵ After the Cold War political and economic interests continue to influence the security council in determining African peacekeeping mandates.

¹³ UN Brahimi Report on United Nations Peace Operations. pp 48-56.

¹⁴ Boutros-Ghali, *An Agenda for Peace*, United Nations, New York, 1995 p. 21.

¹⁵ White N D, op cit pp260

OAU Mission in Chad, 1981- 1982

The OAU's intervention in Chad from 1981 to 1982 was unique. It was, at the time, the only internal conflict in Africa in which the OAU was permitted contrary to the principle of non-interference in the internal affairs of member-states.¹⁶ Since independence the Chad experienced serious internal conflicts which were largely ethnic.¹⁷ Those conflicts led to various peacekeeping initiatives by Nigeria, Libya and the involvement of France in pursuit of their resolution.

France which had interests in Chad as the former colonial master, the OAU, and president Goukouni, originally envisioned the multifunctional peacekeeping force as an immediate replacement for the departing Libyan soldiers. However, as more Libyans withdrew from Chad, there was a military vacuum in the absence of a peacekeeping force to replace Libyan troops.¹⁸ Hissen Habre who was the leader of the Forces Armees du Nord (FAN) the northern faction, and supports of the OAU peacekeeping mission, realized the urgency of the situation as his forces sat poised to move from Sudan into areas of eastern Chad vacated by the Libyan forces. Goukouni expressed his concerns to President Shagari of Nigeria who, in turn, informed OAU Chairman President Moi of Kenya urging him to expedite the emplacement of the peacekeeping force.¹⁹

On November 3 1981, Habre received information that the Libyan military was departing from Chad and ordered his FAN faction to unilaterally discontinue combat operations in eastern Chad. FAN emerged from Sudan in violation of its pledge and occupied

¹⁶ Charter of the OAU, Article 3(2)

¹⁷ For Details of the History of the Chadian conflict, See Mays T M, (ed) *Africa's First Peacekeeping Operation: The OAU in Chad, 1981-1982*, Praeger, 2002.

¹⁸ 'Goukouni Accuses Sudan of Aiding Habre Forces,' Foreign Broadcast Information Service (FBIS- MEA-81-219, November 13, 1981 p. S1.

¹⁹ 'Shagari Sends Message to OAU Chairman Moi' *Daily Times*, November 9, 1981 p. 10.

eastern Chad as Libyan soldiers departed the area. This action verified Goukouni's concerns about a military vacuum if the Libyans left Chad without an immediate replacement by OAU peacekeeping force.²⁰

Goukouni reacted by signing the Paris Accord on November 14, 1981 which officially outlined the legal status of the OAU peacekeepers in for Chad. On the same day, Libya completed the withdrawal of its soldiers stationed in N'Djamena. Many African leaders denounced the role and influence of France in drafting the document and staging its signing in Paris. Nigerian Vice-President Alex Ekwueme claimed that, "The OAU has sold itself cheaply to France and degraded the meaning of African unity."²¹ Guinean government officials commented that the Paris Accord represented the "worst form of neo-colonialism."²² In response, the OAU agreed to hold a second meeting in Nairobi two weeks later.

Political Challenges

The withdrawal of Libyan troops paved the way for the African peacekeeping mission. The Chadian leader Goukouni envisioned that the OAU peacekeepers would replace Libyan soldiers. He therefore expected them to fight Habre's forces as a peace enforcement mission and protect the Transitional National Union Government's (GUNT) hold on the country if FAN advanced toward the capital.²³ Habre, in a press statement asserted that FAN would not be an 'obstacle'" to the stationing of OAU peacekeeping force in Chad.

²⁰ 'Habre Forces Control Eastern Town of Adre' Foreign Broadcast Information Service FBIS-MEA-81-219, November 13, 1981 pp. S2.

²¹ Amadu Sesay and Olusola Ojo, 'The OAU Peacekeeping in Chad: An Analysis of Policy Implementation and Failure,' in C.A.B. Olowu and Victor Ayeni (ed.) *'A Nigerian Reader in the Policy Process'*, Nigeria University of Ife Press, 1986, pp. 9.

²² Ibid, p.11.

²³ *Observers Say 'Race Under Way for Abeche'*, Foreign Broadcast Information Service FBIS-MEA-81-222, November 18, 1981, p. S3.

The OAU secretary-general's special representative in Chad emphasized that the force was a peacekeeping operation, was impartial, and if conflict emerged between any factions the OAU troops would serve as a buffer force and await a political solution.²⁴ Meanwhile Goukouni still thought that OAU will defend his government. The Zairian contingent which had been provided with logistic support by the US to land troops, remained in N'Djamena without OAU reinforcements, while the eastern part of the country collapsed under a FAN offensive.

On November 27 1981, representatives from Benin, Chad, Kenya, Nigeria, Senegal, Togo, and Zaire met in Nairobi for the Chadian peacekeeping summit (Nairobi II). The meeting replaced the French-dominated Paris Accord and prepared a Status-of-Forces Agreement (SOFA) for the OAU peacekeeping deployment in Chad. The SOFA covered among others, financial and material assistance to train and establish an integrated Chadian armed force and the defense and security of Chad while waiting for the integration of government forces.²⁵ Goukouni however argued that if the OAU hesitated in deploying the peacekeeping force, Chad had a right to seek assistance from a "friendly" country like Libya.

Funding and Logistical Support

Heads of state of the troop-contributing countries directed the general secretariat to work on the budget and requested the OAU Chairman to raise funds from member states, the United Nations and friendly

²⁴ *'Chad Peacekeeping Force Countries to Meet 27 November'* Foreign Broadcast Information Service FBIS-MEA-81-227, November 25, 1981, pp.1-3.

²⁵ OAU Document Agreement between the Transitional National Union Government of The Republic of Chad and the Organization of African Unity (OAU) Regarding the Status of a Pan-African Peace-Keeping Force in Chad, Nairobi, Nov. 28, 1981.

countries.²⁶ Finances remained a critical problem as pledges from OAU members still had not materialized. Moi and Goukouni requested for assistance from UN secretary-general and the president of the UN's security council for financial assistance, when became evident that the African countries and OAU were unable to sponsor their troops.²⁷

OAU Secretary-General Kodjo endorsed offers of support from non-African states on a bilateral basis noting that "bilateral accords with the countries ready to send their troops were preferable."²⁸ OAU Special Representative Dawit reiterated Kodjo's comments and supported the bilateral financial agreements without involving the OAU itself.²⁹ He stated that African countries should each contribute \$500,000. OAU Chairman Moi initiated personal appeals to France, Great Britain, and the United States for financial support for the OAU peacekeeping contingents and successfully secured pledges of assistance.³⁰

The Senegalese peacekeepers flew to and from Chad on French-chartered Air Afrique aircraft.³¹ France provided military vehicles for the Senegalese contingent (SECON) and financed their transportation by sea to Cameroon and then overland to Chad.³² Under a bilateral arrangement, Britain provided material assistance for the Nigerian contingent including land rover vehicles and West Germany reportedly offered assistance to Nigeria.³³ The UN Security Council

²⁶ Report of the Secretary-General on Chad, Addis Ababa, Ethiopia, June 6-11, 1983, OAU Document AHG/109(XIX) Part I, p. 3

²⁷ Reportage on the OAU Mini Summit November 1981,p1

²⁸ Africa News Summary, October 27, 1981, p. 22.

²⁹ Ibid p 21

³⁰ *Daily Nation*, Nairobi, November 24, 1981, pp. 1

³¹ "French Transport" Foreign Broadcast Information Service FBIS-MEA-81-234, December 7, 1981, p. S2.

³² *West Africa*, December 14, 1981, p. 2961

³³ Ibid

passed resolution 504 of April 30, 1982 asking UN Secretary-General Javier Perez de Cuellar to establish a voluntary fund for the OAU peacekeeping mission in Chad.³⁴

The UN planned to hold a fund-raising meeting in Nairobi during June 1982 but indefinitely postponed the conference after Habre's Northern Armed Forces (FAN) removed GUNT from N'Djamena.³⁵ The United States quietly provided logistical and monetary aid to the OAU peacekeepers³⁶ because it was uncomfortable with the Libyan socialist influence. Nigeria and Kenya benefited from the C-141 aircraft which carried Kenyan members of the observer group.³⁷ The US also pledged to provide \$45M in economic aid and peacekeeping operation, with half of the amount specifically earmarked for Zaire.³⁸

Deployment and Operations

The peacekeeping troops were deployed in their respective operational zones³⁹ under the command of Nigerian General Ejiga, and financed by the Nigerian government.⁴⁰ The OAU planned to establish a neutral barrier to stop Habre from advancing towards the capital city without igniting a hostile confrontation with the contingent providing states.⁴¹ The OAU still faced a shortage of personnel for the peacekeeping mission and it continued to stress that the contingents

³⁴ "President Calls for Aid to Chad Troops," *The Standard* May 21, 1982, p1; "UN Appeal Launched," *West Africa* May 31, 1982, p. 1478; "UN Approve OAU Peace Force Fund," *West Africa* May 10, 1982, p. 1284.

³⁵ *West Africa* June 14, 1982, pp. 1565-1566

³⁶ *Department of State Bulletin*, Jan. 1984, p 39; *Keesing's Contemporary Archives*, London, Sept. 3, 1982, p 31678.

³⁷ *Daily Nation*, Nairobi December 15, 1981, p. 1.

³⁸ *Africa Now* April 1982, p. 57.

³⁹ Kenya, Algeria, Guinea-Bissau, and Zambia Provided Observers for the Peacekeeping Mission.

⁴⁰ Amadu Sesay and Olusola Ojo, 'The OAU Peacekeeping Force in Chad: An Analysis of Policy Implementation and Failure', in *A Nigerian in the Policy Process*, (ed). C.A.B. Olowu and Victor Ayeni, Nigeria, University of Ife Press, 1986, p 9.

⁴¹ "OAU Force in Serious Danger" *West Africa*, January 4, 1982 p.54.

were performing a traditional peacekeeping mission and would not actively defend GUNT from Habre's FAN faction. In desperation, Goukouni requested Ethiopia, to airlift troops to Chad.

Although GUNT envisioned Ethiopian soldiers arriving under the umbrella of the OAU peacekeeping operation, Goukouni believed that they would perform a peace enforcement mission in his support. However, Mengistu declined to contribute troops to the OAU peacekeeping operation.⁴² OAU Secretary-General Kodjo explained on December 2, 1981 that the inter-African force must ensure Chad's defense and security in the face of external aggression.⁴³ Although the OAU clearly intended the peacekeepers to remain neutral in the conflict, Kodjo and Dawit confirmed that they did have the authorization to defend themselves if attacked. On December 12, 1981, Chadian foreign minister, called for a revision of the mandate to allow peace enforcement in support of GUNT and fight alongside the Chadian army to regain control of eastern Chad from Habre.⁴⁴ As OAU and GUNT continued to squabble over its mission, Habre's FAN faction made steady progress against Chadian forces. The early January 1982, France began to distance itself from the peacekeeping operation which it had helped to organize. French foreign minister Cheysson stated that when France called for an urgent dispatch of an OAU force to Chad, it was only expressing its support for an OAU resolution.⁴⁵

By January 1982, The OAU still had not secured external funding for the peacekeeping operation, leaving each troop contributing country to foot its bills. The OAU Chairman convened the Nairobi III

⁴² "No Solution Yet in Chad," *Africa Now*, April 1982, pp 56-57

⁴³ "OAU Secretary General on Chad, Fez Summit", Foreign Broadcast Information Service (FBIS-MEA-81-232, December 3, 1981, p.1.

⁴⁴ Acyl, "Discusses Country's 'Serious' Situation", Foreign Broadcast Information Service (FBIS-MEA-81-239, December 14, 1981, p. S2.

⁴⁵ "Leader Sees Reluctance to Aid Chad Force," Foreign Broadcast Information Service (FBIS-MEA-81-236, December 9, 1981, p. P5.

summit where Goukouni and GUNT were recognized as the legitimate authority in Chad and Habre as a legitimate faction leader who should participate in Chadian negotiations and the election process. The summit recognized that Habre could have seized N'Djamena but was restraining himself in order not to antagonize the OAU.⁴⁶ The OAU had altered its policy toward Chad. It considered that the states aiding the peacekeeping operation had grown impatient with Goukouni's attitude. It also underestimated the strength of Habre's FAN faction, once the Libyan military withdrew from Chad, members continued to renege on promises to constitute funds. Kodjo reported that the estimated cost of maintaining the OAU peacekeeping force for one year would be \$163 million. Moi said that the whole momentum demanded additional support and sacrifice from a "broader spectrum of countries."⁴⁷ He also appealed again to the UN to share the financial burden of the peacekeeping mission with the OAU.⁴⁸

The Nairobi III, *ad hoc* committee's final resolution called for elections with an immediate cease-fire beginning February 28, 1982. It requires all the factions to participate in constitution making and that all elections and the inauguration of the newly elected government should occur between May 1 and June 30, 1982 when to the OAU would withdraw its peacekeeping force.⁴⁹ The resolution provided GUNT with a final opportunity to secure the goodwill of the OAU and negotiate a cease-fire with Habre. However GUNT declined. Nigeria announced the unilateral withdrawal of one of its three battalions in Chad for "economic reasons" in April 1982.⁵⁰ Goukouni reiterated that he would seek assistance from an "outside force" if the OAU

⁴⁶ "Habre Dominates the Scene," Africa Diary Vol. 22, #20, May 14-20, 1982, pp. 10972-10973.

⁴⁷ "Hands Off Chad" *Daily Nation*, Kenya, February 11, 1982, p 1

⁴⁸ Ibid p10

⁴⁹ "Final Resolution of the OAU Permanent Committee on Chad" OAU Document February 11, 1982.

⁵⁰ "Shooting Breaks Out in N'Djamena 30 April" Foreign Broadcast Information Service FBIS-MEA-82-085, May 3, 1982, p. S1.

withdrew its peacekeepers⁵¹ and hinted that he would turn to Libya. Disagreement between the OAU contingent providers surfaced when Mobutu stressed that only the OAU could decide on the duration of the mission.⁵² He also announced that his country would not unilaterally withdraw its troops from the peacekeeping operation.

On May 6, 1982, Goukouni commented that the OAU had deceived him by allowing Libyan troops to withdrawal and later impose on him a negotiated settlement with Habre. He therefore protested everything in the Nairobi III resolution. As a result, representatives from troop contributing countries met in Kinshasa and issued a communique providing GUNT with a final ultimatum and requested it to “display good will” and implement the provisions of Nairobi III. If GUNT did not adhere to Nairobi III’s final resolution, contingents will be withdrawn.

Goukouni immediately sought Libyan military assistance. However, Qaddafi proclaimed neutrality in the civil war and refused to meet him.⁵³ By June 1982 GUNT was on the verge of military and political collapse. Habre took advantage and captured N’Djamena at on June 7 1982,⁵⁴ three days prior to the OAU deadline for GUNT agreement to the Nairobi Accord. Goukouni fled the country and left Habre as the Italia leader of national government in Chad. Moi ordered the withdrawal of the peacekeeping contingents from Chad by June 30 as there was no legal basis for the continuation of the OAU peacekeeping force in Chad.⁵⁵

⁵¹ “Goukouni to Seek ‘Outside Force’ If OAU Withdraws” Foreign Broadcast Information Service FBIS-MEA-82-088, May 6, 1982, p. S1.

⁵² “Mobutu Makes Statement on Arrival in N’Djamena” Foreign Broadcast Information Service (FBIS-MEA-82-089, May 7, 1982, p. P1.

⁵³ “Neutral Attitude’ toward Chad Confirmed” Foreign Broadcast Information Service FBIS-MEA-82-101, May 25, 1982, p. Q4; “Goukouni Returns Home; Others Stay in Tripoli” Foreign Broadcast Information Service FBIS-MEA-82-101, May 25, 1982, p. Q4.

⁵⁴ “Habre Forces Take Over Chadian Capital” *Daily Times* June 8, 1982, p. 1.

⁵⁵ “OAU Troops Ordered to Quit Chad” *The Standard* June 12, 1982, p. 1.

ECOMOG in Liberia, 1990-1997

The Economic Community of West Africa States (ECOWAS) was formed promoting trade, cooperation and self reliance,⁵⁶ and comprises sixteen members. In the late 1970s, its leaders realized that security is a prerequisite for economic development. They recognized the need to establish a regional security organ that would deal with interstate conflicts. While it was argued by some that the mandate of ECOWAS was limited to economic objectives, the reality was that economic integration could not take place in a security vacuum.⁵⁷

The Economic Community of West Africa Cease Fire Monitoring Group (ECOMOG) was established and a non-aggression treaty was signed in Lagos in 1978. The treaty did address the internal threats by insurgents in most of the countries in the region. Further negotiations led to the protocol on Mutual Defense Assistance in Freetown, Sierra Leone in May 1981. It required the establishment of a non-standing military force to provide mutual military aid to any member state that became a victim of external aggression. This force was to be known as Allied Armed Forces of the Community (AAFC). The force was to be placed under a force commander, appointed by the chairman of the community.

ECOWAS argued that the intervention by the ECOMOG was a duty as prescribed by article 16 of the 1981 ECOWAS Defence Protocol. Article 6(3) and 17 empower the Authority to decide on the expediency of military action to impose a peacekeeping force between the warring factions, or to engage in political mediation. Article 13(1 and 2) provide for the creation of Allied Armed Forces of the Community (AAFC) from earmarked units.

⁵⁶ Adebajo A, (ed) *Building Peace in West Africa, Liberia, Sierra Leone and Guinea*, London, Lynne Rienner Publishers, 2002

⁵⁷ Vogt M; 'Nigeria in Liberia: Historical and political analysis of ECOMOG', in M Vogt & E E Ekoko (ed), *Nigeria in International Peacekeeping 1960-1992*, Malt House Press, Oxford, 1993 pp 46- 50

ECOMOG as a Regional Force

The ECOMOG mission in Liberia represented the first full scale attempt by a sub-regional organization in Africa to conduct peacekeeping efforts. The Liberia mission was also the first time that the UN sent peacekeepers to an already established sub-regional peacekeeping effort. This effort crystallized the growing indifference of external actors to resolve African problems and the growing interests of African actors in resolving their own conflicts.

The intervention in Liberia was initiated by the standing mediation committee (SMC). The members of the SMC consisted of three Anglophone states (Nigeria, Ghana, and the Gambia) and two Francophone ones (Togo and Mali). However, only Guinea, a francophone state, (though not originally a member of the SMC) agreed to contribute troops. ECOWAS split the command between the three countries contributing the largest forces, with Ghana contributing the force commander, Guinea the deputy force commander, and Nigeria the chief of staff.

While well intentioned, the decisions of the SMC, meant that a small group of member states lacking the required mandate committed the regional organization to a protracted and expensive military enterprise. ECOMOG was the only option left for these sub regional states in a situation of complete breakdown of sovereignty. Consequently the summit changed the mandate to include peacekeeping. This legitimized the ECOMOG deployment in Liberia.

This lack of consensus further complicated the matter among the rebels. While Samuel Doe the then Liberian president and other Liberian factions accepted the intervention by ECOMOG, Taylor, the leader of the largest faction, the National Patriotic Front of Liberia (NPFL) whose forces were at the gates of Monrovia, and who suspected that the intervention was designed to cheat him of victory, rejected it. His faction declared ECOMOG an invading force and

fired on it with resulting casualties, as it landed in Monrovia in 1991. His forces quickly moved and controlled most of Liberian territory. Over seven years, four other factions emerged to contest power and territory in Liberia's civil war.⁵⁸

The ECOMOG Deployment

In December 1989, Liberian rebel forces of the National Patriotic Front of Liberia (NPFL), led by Taylor, crossed into Liberia from Cote d'Ivoire with the intention of overthrowing Samuel Doe. As the fighting escalated, with little interest from the international community ECOWAS initiated a regional response by establishing a standing mediation committee (SMC) to encourage a diplomatic solution. The lack of diplomatic progress prompted the SMC to begin the ECOMOG insertion into Liberia. The ECOMOG mandate in Liberia was to conduct military operations for the purpose of monitoring the ceasefire, to restore law and order and to create the necessary conditions for free and fair elections.⁵⁹

By February 1995, the force consisted of 8,430 troops organized into ten battalions from Nigeria, Ghana, Guinea, Tanzania, Uganda, Sierra Leone, and ten officers each from Gambia and Mali.⁶⁰ By early 1997 the force consisted of about 11,000 troops, after Nigeria withdrew one battalion, Tanzania and Uganda also withdrew, citing lack of funds from the OAU.

Political Factions and Operational Challenges

From the onset, the civil war pitted the troops of Doe's Liberian

⁵⁸ Adebajo A.(ed) *Building Peace in West Africa: Liberia, Sierra Leone and Guinea Bissau*, Lynne Rienner Publishers, Boulder, London 2002

⁵⁹ Ibid, p.197.

⁶⁰ Figures from The UN and the Situation in Liberia, UN Reference Paper UN Department of Public Information April 1995, p.18

government, the Armed Forces of Liberia (AFL), against the insurgents of NPFL under Taylor. Troops from AFL came predominantly from the Krahn ethnic group, while those from NPFL came from the Gio and Mano tribes. As the war continued, the situation became increasingly messy. New groups appeared and existing groups fragmented. By 1995 there were at least eight major factions and many minor ones.

Whilst ethnicity was less of a factor early on in the struggle, the manipulation of ethnic differences by faction leaders for political purposes led to the conflict being increasingly fought along ethnic lines. This led to a “zero-sum” approach to negotiations.⁶¹ For example, cease-fires were often intended to enable sourcing of finances, consolidation and re-arming. This made the formulation of political solution very difficult; indeed disarmament and demobilization became almost impossible. The progressive splintering of the militias whose objective was personal economic gain created more problems.⁶² Weapons and troops were the basis of faction power. Hence agreements for disarmament could only succeed if every faction, however small, was included. Some factions also excluded themselves from political agreements to avoid being disarmed.

The situation was further complicated by conflict in Sierra Leone. Sierra Leonean resistance groups based themselves in Liberian and competed for control of territory and resources.⁶³ The overall situation was exacerbated by the composition of the militias. At least a quarter of the soldiers were children.⁶⁴ Given the difficulties posed by the war those who characterized the operation as “unwarranted

⁶¹ “Liberia on a Knife-Edge”, *New African*, March 1995.

⁶² Rich P, ‘War lords: State Fragmentations and the Dilemma of Human Intervention;’ *Small Wars and Insurgencies*, Vol 10, No 1, 1999, pp78-96

⁶³ Liberia: “Problematic Peacekeeping”, *Africa Confidential*, 4 March 1994, pp.2-3.

⁶⁴ “Beware the Children”, *Time Magazine*, 4 December 1995.

aggression and illegality camouflaged as a peacekeeping operation”⁶⁵ did not understand the complexity of the Liberian situation.

Challenges of Regional Politics

A multi-national operation is a method of reducing tensions by preventing unilateral advantage. But in practice, it can act as a catalyst for conflict. This was the case with ECOWAS, which gave ECOMOG its mandate, and which was supposed to exercise political control over it. ECOWAS was divided by conflicting ideas about the operation of ECOMOG. The causes of this division were the diverging geo-political interests of its member states, and emerging contributions. The largest problem was the clash between the interests of Nigeria and other west African states, notably Cote d’Ivoire.⁶⁶

Nigeria, which provided the bulk of the ECOMOG troops and financial contributions opposed Taylor’s NPFL. It provided Doe with assistance. Taylor received support from Cote d’Ivoire, Burkino Faso, France and Libya. The maneuverings of the rival Anglophone group, dominated by Nigeria, and the Francophone, dominated by Cote d’Ivoire, had profound implications for the ECOMOG. For example Nigeria’s unilateral replacement of ECOMOG force commander, Quainoo (a Ghanaian) with the Nigerian Dogonyaro,⁶⁷ caused a dispute. As the operation became progressively more dangerous, costly and protracted, the willingness of ECOWAS states to support potentially dangerous options. Divisions at the strategic political level eroded the decision-making capacity of ECOWAS and led to the inability to decide which objectives to pursue.

⁶⁵ Ankomah, B” The UN: “Taking Sides in Liberia”, *New African*, November 1993, pp7-9

⁶⁶ Kieh, G K Jr., “Combatants, Patrons, Peacemakers, and the Liberian Civil Conflict”, *Studies in Conflict and Terrorism*, Vol.15, pp.125-143.

⁶⁷ Kodjoe, W O, “Regional Organizations and the Resolution of Internal Conflict: The ECOWAS Intervention in Liberia”, *International Peacekeeping*, Vol.1, No.3 1994, p.290.

ECOMOG's Mandate

The lack of clarity in the mandate of ECOMOG created difficulties initially. The ECOMOG force commander was mandated to “conduct military operations for the purpose of monitoring the cease-fire” and “restoring law and order to create the necessary conditions for free and fair elections in Liberia.”⁶⁸ As the situation evolved, the operation functions whose mandates were often vague. Agreements at Bamako in November 1990 and Lomé on 19th February 1991 mandated ECOMOG with “monitoring” cease-fires, drawing up buffer zones, the establishment of check points, and the disarmament of militias without any clear guidelines about how this would be achieved in a violent environment.

Operations and Logistics

Despite the continued violence in Liberia, ECOWAS was able to establish an interim government of national unity (IGNU) in November 1990. A measure of stability was then established which lasted until October 1992, with ECOMOG in control of Monrovia, and the NPFL controlling most of the rest of Liberia. Indeed the early cease-fire was a tactical decision designed to consolidate the NPFL's position before returning to the offensive.⁶⁹ As a result, NPFL launched ‘Operation Octopus’ in October 1992, and captured Monrovia where ECOMOG forces defended the town. ECOMOG was unable to establish buffer zones and police the UN arms blockade. Nigeria was against Taylor NPFL, a position that was not acceptable to other contingents. Nigeria further continued the command of the

⁶⁸ Ecomog Standing Mediation Committee, Decision A/DEC.1/8/90. Article 2(2) from Weller, op.cit. p.67.

⁶⁹ ECOWAS, A/SEC.1/10/92, Article 6, in Weller, *Regional Peacekeeping and the International Environment*; *The Liberian Crisis*, Cambridge University Press 1994, p. 227.

force by replacing the force commander, a position agreed earlier to belong to Ghana. The generated friction contributed to lack of strategic direction about where to use force and the outcomes that ECOMOG wanted to achieve.⁷⁰ ECOMOG was also ignorant of basic operational aids by carrying operations using tourist map!⁷¹ It is not surprising that ECOMOG's military strategy did not always produce the desired results.⁷² Because of its partiality ECOMOG also lacked consent a critical weakness in peacekeeping.

Nigeria's determination to get rid of Taylor reinforced the perception that ECOMOG was not neutral.⁷³ The lack of resources also had important implications for the effectiveness and morale of the troops. According to Jean-Daniel Tauxe of the ICRC, ECOMOG forces were mostly unpaid or underpaid, and in such conditions they were peacekeepers in name only.⁷⁴ This led to numerous incidents of corruption, including the sale of fuel purchased by the US and intended for ECOMOG vehicles. The situation was worsened by the lack of an organized system of rotational changeover to relieve troops deployed in Liberia. As one UN officer commented "they're not motivated, not rotated, often not paid."⁷⁵ Financial and material constraints left ECOMOG consistently short of the means necessary to inflict a "defeat" decisive enough to deliver lasting political gains, or to implement the ambitious peace-making programmes.

The ECOMOG operation was, in reality, an ambiguous exercise in attrition, sustained by Nigeria's willingness to accept heavy

⁷⁰ Kodjoe O, 'Regional Organizations and the Resolution of Internal Conflict' op cit., p.290.

⁷¹ Howe, H "Lessons of Liberia", *International Security*, Vol.21, No.3 (Winter 1996/97), op cit p.164.

⁷² "Liberia: The Battle For Gbarnga", *Africa Confidential*, Vol.34, No.11, 28 May 1993, pp.1-2.

⁷³ Kodjoe O, 'Regional Organizations and the Resolution of Internal Conflict' op. cit, p.293.

⁷⁴ Jean-Daniel Tuaxe, Letter to the *International Herald Tribune*, 17 May 1996.

⁷⁵ Ibid.

material costs.⁷⁶ It succeeded largely due to eventual compromises made bilaterally between Nigerian president, Sani Abacha, and Taylor which gave Taylor much of what he sought.

A Comparative Analysis: Chad and Liberia

In both these cases the deployment of peacekeeping forces was either delayed or scarcity of resources which led to logistical problems. In both, there was lack of clarity about the peacekeeping mandate. In both, there were also competing regional and external powers. Zaire was backed by the US to protect its interests in Chad. Nigeria was exercising its hegemonic influence in trying to protect its national interests in Liberia.

In the case of Chad, the US and French financial and logistics support was necessary because there the OAU would have been unable to support the mission. The OAU Secretary-General Kodjo acknowledged the organization's inability to support its deployment in Chad in 1981, and endorsed bilateral financial offers to be channeled directly to countries ready to send their troops.⁷⁷

The OAU peacekeeping mission in Chad, failed because it did not manage to gain enough support to deploy troops. A strong OAU force with strong support would have succeeded, particularly if the international community provided that adequate support. However, from a western political view point, the OAU peacekeeping mission succeeded because it served western interests. The contingent providers and their western backers persuaded Goukouni to request the withdrawal of Libyan troops from Chad. This action satisfied the most important foreign policy goals of the contingent-providing

⁷⁶ According to Nigeria \$8bn and 500 dead, although Nigeria may well have an interest in talking up its efforts. "Liberia Peace Cost Nigeria 8 Billion Dollars," BBC Online Network, 25th October 1999.

⁷⁷ Africa News Summary, October 27, 1981, p. 22.

states and their western supporters who did not want a pro-soviet Libya in Chad. Habre's victory also served to fulfill the foreign policy objectives of the force participants and their allies. Thus the 'success' of peacekeeping in Chad was determined by the interests of the international community and those of pro-west regional actors. This raises the question whether regional and sub-regional peacekeeping missions can succeed without support from western powers.

On the other hand, the relationship between the rebels and the peacekeeping forces is exemplified by ECOMOG in Liberia. To a large extent, this relationship may determine the progress of the peacekeeping process. In Liberia it was evident that right from the onset, that Nigeria had broken the 'consent' principle, by accepting to enter the host state without the consent of NPFL. the relationship between Nigerian contingents with some of the factions was already biased.

As a peacekeeping force, ECOMOG was ineffective. The difficulties caused by political differences at strategic level and the problem of its mandate were made worse by ECOMOG's military strategy, which oscillated between peacekeeping and peace enforcement. And finally, ECOMOG as a peacekeeping mission did not reflect the principles of neutrality and impartiality.

Conclusions

This article has highlighted on the politics and challenges of peacekeeping in Africa. It has examined two case studies that show the challenges that peacekeeping missions in Africa experience. One of these challenges is that political mandates without the commitment of troops and resources are mere expressions of moral outrage than of political will. That was exemplified in the OAU in Chad and ECOMOG in Liberia. Despite their shortcomings, regional

peacekeeping organizations are better placed to undertake prompt interventions in peace enforcement. Their inherent knowledge of regional problems and the synergy that comes from working with close neighbours bound by shared economic culture and interests are a great advantage.

Regional Integration and Security Strategy in the Southern African Development Community (SADC) Region

Edgar Munyarari Kamusoko*

Abstract

This article examines the state of a regional security strategy for the SADC region. It notes that there is as yet no regional security strategy for SADC and that this has retarded the regional integration process of the region. The article makes a case for the formulation of a SADC regional security strategy and argues that such a strategy would assist in the more rational restructuring of SADC organs, and would enhance the region's survival. The article also proposes a methodology by which such a regional security strategy can be formulated.

Introduction

Since the late 1980s there has been a resurgence of regionalism in world politics. In Africa, most sub-regional groupings have been moving towards full integration. There is a need for more prudent and purposeful co-operation in Africa if regional integration is to survive, especially in the face of globalisation, and shifting security challenges.

The Southern African Development Community (SADC) evolved from the Front Line States (FLS) through the Southern African Development Co-ordination Conference (SADCC). These developments have been accompanied by profound changes in the philosophy and objectives of the organisation. The transformations of SADC took place at a time when the concept of security was

* Group Captain Edgar Munyarari Kamusoko works with the Zimbabwe Air force. He is a graduate of National Defence College (Kenya) and holds a M.A. in International Studies from the University of Nairobi.

changing.

Debates on the concept have moved from the narrow traditional perspective to a broader understanding of the concept. The new security paradigm involves a number of categories of security issues in which human security takes centre stage. Academic debate on SADC has been more on the restructuring of the regional grouping and commonality of values by member states. It is also important to explore and determine the best way of formulating a regional security strategy which provides for a functional basis for such structural transformations of SADC. The absence of a well crafted regional security strategy leads to irrelevant SADC structures which are out of step with reality and the very reason(s) for integration.

This article argues that a regional security strategy would assist in the restructuring of the SADC organs, promotes faster regional integration and enhance the region's survival. It explores the existing security arrangements in SADC and identifies commonalities in member states' security interests. Common interests are fundamental in the formulation of a regional security strategy. The article proposes a methodology by which SADC can create a security strategy for the sub-region that would enable faster and well coordinated regional integration.

SADC Security Strategy and Regional Integration

The Southern African region has since the liberation wars of the 1970s and 1980s been trying to develop a regional structure that ensures peace and security for the region.¹ The first regional grouping in the sub-region was the Front Line Status (FLS) whose objective was independence under majority rule for Rhodesia and Namibia. As

¹ Ngoma, N., *Prospects for a Security Community in Southern Africa; An Analysis of Regional Security in the Southern Africa Development Community*, (Pretoria: Institute for Security Studies, 2005), p. 2.

Zimbabwe's liberation approached it was acknowledged that there was a need for a long-term commitment. The leaders thus sought to institutionalize the informal co-operation which had been achieved in the FLS. This led to the Southern African Development Co-ordinating Conference (SADCC) following the Lusaka declaration on 1st April 1980.

As SADCC, the sub-regional grouping had nine countries namely, Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe. The name SADCC suggests that integrated development was also embraced. In August 1992, the heads of states met in Windhoek, Namibia and signed a declaration and treaty which gave birth to the Southern African Development Community (SADC). The treaty entered into force in September 1993. This gave the region the necessary legal instruments to enforce its decisions, policies and agreements and to enforce sanctions against member states that violated the treaty. The SADC membership later grew to fifteen with the inclusion of South Africa, Namibia, the Democratic Republic of Congo, the Seychelles, Madagascar and Mauritius.

The SADC region like most African regions faces a number of security threats, among them poverty, skewed resource distribution, governance issues, environmental degradation, cross boarder or transnational crimes, porous borders, terrorism and human trafficking. SADC's objectives, as outlined in the Common Agenda of the 1992 Treaty are: promoting development, poverty reduction and economic growth through regional integration; consolidating, defending and maintaining democracy, peace, security and stability; promoting common political values and institutions which are democratic, legitimate and effective; strengthening links among the people of the region; and mobilising regional and international private and public resources for the development of the region.

From the time of the frontline states SADC regional integration was anchored on military cooperation. As a result, SADC military cooperation is more developed than other sectors. It has been argued that military alliances appear to be poor vehicles for promoting a security community.² This is an integrated group where there is a sense of community, formal or informal institutions or practices, that are strong and wide spread and which ensure peaceful change over a long period of time.³ Military alliances provide an effective shield behind which positive community-building process could occur, but they are not in themselves sufficient. They need to be associated with non-military aspects, which would provide the main dynamic in security and community building processes.

There is need a for other sectors such as economic, political, societal and environmental to be accommodated in the regional integration process. Such a broadened approach to regional integration requires a strategy to coordinate these sectors.

Regional Integration and Regional Security

Proponents of a wider security agenda point out that security as understood now, encompasses a variety of concerns such as poverty, environmental, social, economic and gender concerns.⁴ In its contemporary context, security refers to the totality of the human experience, and it is this totality of experience on which security is nested. The totality of human experience can be understood to be anything that has to do with the wellbeing of people, whether individually or communally.

SADC is experiencing slow integration and may not be able

² Sheehan, M., *International Security: An Analytical Survey* (London: Lynne Rienner Publishers, 2005).

³ Deutsch, K.W., *Political Community at the International Level* (London: Random House, Inc, 1954).

⁴ Mwagiru, M., "Towards a Security Architecture in the IGAD Region," in Mwagiru, M., (ed.), *African Regional Security in the Age of Globalisation* (Nairobi: Heinrich Boll Foundation, 2004).

to compete effectively in a highly competitive global environment. The major SADC integration targets include: achievement of a free trade area (FTA) by 2008; establishment of a SADC customs union by 2010; achievement of a common market by 2016; establishment of a regional central bank by 2018; attainment of a monetary union by 2020; and establishment of a SADC single currency.

Regional integration is defined as “a set of policies by one or more states designed to promote the emergence of a cohesive regional unit, which dominates the pattern of relations between the states of that region and the rest of the world and which forms the organizing basis for policy within the region across a range of issues.”⁵ It has also been defined as an area embracing the territories of three or more states, which are bound together by ties of common interests and geography.⁶ All definitions of regional integration generally agree on the importance of proximity and sharing of common interests and that regional prosperity is dependent on peace. Regional security enables development, and regional development improves the social wellbeing of people which enhances security. Regional integration can therefore not be isolated from regional security. Without a regional security strategy, the process of regional integration risks being slowed down for lack of focus.

The most important factors for integration to be successful are: a high correlation of values, the rule of law, and social market economics; a slowly growing level of mutual responsiveness among political communities; and finally a distinctive way of life characterised by growth of welfare and technological states, marked by rejection of war as an instrument of policy and a commitment to an economic good life. For a good life to be achieved human security

⁵ Hurrell, A., “Regionalism in Theoretical Perspective,” in Louise Fawcett and Andrew Hurrell, (ed.), *Regionalism in World Politics: Regional Organisation and International Order* (Oxford: Oxford University Press, 1995).

⁶ Palmer and Perkins, *International Relations* (Delhi: A.T.T. BS Publishers and Distributors, 2004).

concerns ought to be addressed.

Despite these arguments and seemingly different approaches to understanding the concept of regional integration some characteristics which help to understand this arrangement can be drawn from these arguments and summarised as follows; there has to be common interests that need to be protected; there has to be a common desire to promote and preserve peace and stability and not to harm any another member state or the region; there has to be commitment to development and prosperity; the arrangement is entered into on a voluntary basis and states operate in collaboration.

SADC Member states, individually, have policies and strategies which guide their conduct of business and the provision of security. However, these individual state strategies have not been synthesised into a single regional security strategy. The problem is how a regional security strategy CAN be developed. Common interests of member states allow for the setting up of regional objectives. But regional objectives that are ill-defined, inconsistent, or unsupported by some degree of regional consensus will make the regional security strategy formulation process an extremely difficult task.⁷ Countries are bound to have different competing national interests, diverse economic and socio-political backgrounds and wide-ranging domestic problems and priorities. The lack of clearly defined and commonly understood regional security interests undermines the formulation of a functional regional security strategy which is essential for the region's survival and faster regional integration.

National Security Strategies of SADC Member States

The traditional understanding of security was based on three characteristics: the external orientation, its strong link with systemic

⁷ Snow, D., M., and Drew, D., M., *Making Strategy: An Introduction to National Security Processes and Problems* (Alabama: Air University Press, 1988).

security, and its binding ties with the security of the two major alliance blocs during the Cold War era. According to Ayoob this does not adequately explain the concept of security in developing countries. He argues that the sense of insecurity in developing countries, like those in Southern Africa, largely emanates from within their boundaries rather than from outside.⁸ Conflicts within these states frequently transform into interstate conflicts because of the spill over effect into often similarly domestic insecure, neighbouring states as was witnessed in North Africa during the 2011 protests in Tunisia, Egypt and Libya.

National security strategy is a concept that guides how national resources or instruments of power can be employed to positively influence the internal and external environment in pursuance of specific national interests and objectives. It provides a guideline (ways) of how a nation uses its resources (means) to arrive at a projected intent (the end state). Security issues in SADC cannot be considered by looking at individual states: a systemic approach is necessary. The regional security strategy should therefore be informed by the aggregation of the individual states security concerns and strategies. Similarly, the national security strategies of states should always be linked and informed by the regional security strategy. Such a systemic approach to security will provide the best platform for faster and stable regional integration. To realise a regional security strategy the starting point will be the national security strategies of member states.

The formulation process of a national security strategy starts with issues of national interest which are then securitized. From the securitised issues national security objectives can be formulated to deal with the threats to those issues of national interest. The national security strategy is then formulated guided by these objectives.

⁸ Ayoob Mohammed, *The Third World Security Predicament: State Making, Regional Conflict and the International System* (London: Lynne Rienner, 1995).

National interests therefore provide the critical basis on which a national security strategy is formulated. Regionally, these national interests have to be common for a regional security strategy to be formulated. This in essence provides for a durable regional integration.

SADC member states do not have a written all-inclusive, national security strategy. However, a national security strategy can be assumed based on different sector strategies such as the economic, military and foreign affairs. National security strategies and policy documents of selected countries (Tanzania, Namibia, South Africa, Zambia and Zimbabwe) were analysed in order to identify the individual national interests and what guides their foreign policy. Official policy documents and government websites were used for identifying the specific states' interests and policy objectives. The countries were selected because they have readily available official policy documents in the libraries and internet. An analysis to establish the commonalities in security interests of the selected states was done using a matrix to identify regional interests. It was assumed that the selected countries provided an acceptable and fair representation of all member states' interests since most security and foreign policy concerns of SADC countries were not expected to vary significantly.

Table 1: National Security Interest of Specific Countries

Serial	Security Interest	SADC Member State					% of Countries
		Nam	S.A.	Tan	Zam	Zim	
1	Poverty Reduction	√	√	√	√	√	100
2	Improve food security	√	√	×	×	√	60
3	Equitable distribution of Wealth	√	√	×	√	√	80
4	Reducing unemployment	√	√	×	×	√	60
5	Improving health delivery and reducing HIV/AIDS prevalence	√	√	√	√	√	100
6	Reduce child mortality rates	×	×	√	×	×	20

7	Improving the quality of life	√	√	√	√	×	80
8	Reducing crime and violence	×	√	×	×	×	20
9	Reducing corruption	×	√	×	×	×	20
11	Eradication of illiteracy or development of education and skills	√	√	√	√	√	100
12	Fair gender practices	√	√	√	×	×	60
13	Eliminating of xenophobia	×	√	×	×	×	20
14	Nation building removal of racism, Removal of tribalism	×	√	×	×	×	20
15	Decelerate population growth rate	×	×	×	√	×	20
16	Improve water and sanitation facilities	×	×	√	√	×	40
17	Land reform	√	√	×	×	√	60
18	Rural development	×	√	×	×	×	20
19	Economic development and industrialisation	√	√	√	√	√	100
20	High economic growth rate	√	√	√	√	√	100
21	Productive utilisation of natural resources and environmental sustainability.	√	×	√	×	×	40
22	Defence of territorial integrity	√	√	√	√	√	100
23	To protect national sovereignty	×	×	×	×	√	20
24	International and Regional Peace and stability	√	√	√	√	√	100
25	Upholding democratic principles	√	√	√	√	√	100
26	Regional defence cooperation	√	√	√	√	√	100
27	Conducting peace support operations	√	√	×	√	√	80
28	Peaceful resolution of disputes	√	√	√	√	√	100
29	Respect of international law	√	√	×	√	×	60
30	Combating Piracy	×	√	×	×	×	20
31	International terrorism	×	√	×	×	×	20
32	International and cross-border crime	×	√	√	×	×	40
33	Reduce the threat of weapons of mass destruction	×	√	×	×	×	20
34	Defence against cyber crime	×	√	×	×	×	20
35	Maintaining good relations with neighbours	√	√	×	√	×	60

Key

Nam- Namibia

S.A.- South Africa

Tan- Tanzania.

Zam - Zambia.

Zim- Zimbabwe.

√ - Security Interest.

× - Not a Security Interest.

% - Percentage of states having a security interest.

Table 1: shows national security interests of specific countries which were identified from development strategies, defence policies and foreign policies or practices. Clearly, states have different emphasis on interests or issues they regard as requiring special attention or extraordinary measures to deal with them. The difference in terminology also points to the lack of a common definition and understanding of what can be called a security issue.

Article 19 of the SADC protocol states that except where a provision is made, decisions of the SADC institutions shall be taken by consensus. In the absence of an agreed approach on how national interests can be regarded as of regional security interest or acceptable for the regional security agenda it will be assumed that a simple majority leads to consensus. In this case, all security interests that have been identified in at least 50 per cent of the selected countries will be defined as common regional interests and can form part of the regional security agenda items.

Out of the 35 issues of security interest identified, 19 issues (54.3 per cent) were common to at least 50 per cent of the 5 selected countries. This points to the differences that exists in what states call security interests implying the need for a common regional definition of security. The identified common security interests are as shown in table 2 below.

Table 2: Identified Common Security Interests

Ser	Common Security Interest
1	Poverty reduction
2	Improving food security
3	Equitable distribution of wealth
4	Reducing unemployment
5	Improving health delivery and reducing HIV/AIDS prevalence
6	Improving the quality of life
7	Eradication of illiteracy or development of education and skills
8	Fair gender practices
9	Land reform
10	Economic development and industrialisation
11	High economic growth rate
12	Defence of territorial integrity
13	International and Regional Peace and stability
14	Upholding democratic principles
15	Regional defence cooperation
16	Conducting peace support operations
17	Peaceful resolution of disputes
18	Respect of international law
19	Maintaining good relations with neighbours

The areas of security interest identified in the selected states and the regional security threats have a lot in common. However, the degree and level of security concern over an issue is bound to vary with states. Poverty, illiteracy, poor health services, scarcity of food, shortage of land, economic underdevelopment and low economic growth are among the greatest challenges to human security.

Of the 35 security issues identified in the five countries, 10 issues (28.6 per cent) were common to all the selected states. These issues are poverty, improving health delivery and reducing HIV/AIDS

prevalence, eradication of illiteracy or development of education and skills, economic development and industrialisation, high economic growth rate, defence of territorial integrity, international and regional peace and stability, upholding democratic principles, regional defence cooperation, and peaceful resolution of disputes. This again demonstrates the variations in how states perceive and define security interests.

Member states do not agree on what they call regional security interests. They attributed this to different national interests and the fact that some bilateral arrangements between states tend to be emphasised over regional issues by some member states. The lack of agreement by member states on what they call regional interests implies the absence of a common understanding of security. Member states share common values of democracy, non interference and tolerance. However, member states have different ways of interpreting and levels of respecting these values. As Mwangi argues there is need for states to debate these issues and come to an agreed regional understanding of security.⁹

Regional Security Institutions in SADC

A lot of effort has been put on the restructuring of SADC institutions with a view to enhancing the organisation's effectiveness in delivering its mandate. Currently, SADC has two frameworks that guide the activities of the economic integration aspects and the politics defence and security issues. These are the Regional Indicative Strategic Development Plan (RISDP) and the Strategic Indicative Plan of the Organ (SIPO). The two are separate plans whose coordination is critical to the functioning of SADC. They must be well linked and

⁹ Mwangi, M., "Towards a Security Architecture in the IGAD Region," in Mwangi, M., (ed.), *African Regional Security in the Age of Globalisation* (Nairobi: Heinrich Boll Foundation, 2004).

coordinated. SADC has frameworks for dealing with development and security issues but there is a need for their coordination or better still they should be operated under a single regional security strategy. Furthermore, SADC is still to operationalize most of its protocols and harmonise its policies. The process of restructuring SADC to implement these plans has been delayed by underlying political and strategic differences among member states. On developmental issues, the SADC council of ministers and the subordinate integrated Committee of ministers is guided by the Regional Indicative Strategic Development Plan (RISDP) while the Organ on Politics Defence and Security Cooperation (OPDSC) and its branches are guided by the Strategic Inductive Plan of the Organ (SIPO). The RISDP and SIPO, though separate, are complementary and when combined give SADC the strategic guidance in the context of the wider understanding of security under the SADC vision of a shared future. A number of SADC protocols related to the peace and security concerns of the region, have been concluded to assist in the operations of various institutions especially the OPDSC.

These protocols include the Declaration and Treaty of SADC (1992); Protocol on Politics, Defence and Security Co-Operation (2001); Protocol on Control of Firearms, Ammunition and Other Related Materials (2001); Protocol on Mutual Legal Assistance in Criminal Matters (2002); and the SADC Mutual Defence Pact (2003). However, the SIPO remains the key strategic document that deals with politics, defence and security. SIPO is an enabling instrument for the implementation of the SADC developmental agenda embodied in the RISDP. The main objective of the SIPO therefore, is to create a peaceful and stable environment through which the region will strive to realise its socio-economic developmental objectives. It also provides the institutional framework for the day to day implementation of the activities of the Organ, including the Protocol on Politics, Defence

and Security Cooperation and the Mutual Defence Pact. SIPO relies largely on regional resources and SADC cooperating partners for its implementation and activities.

The SIPO is divided into four main sectors namely, political, defence, state security and public security. SIPO's strategies and activities are guided by the objectives of the Organ (OPDSC) as detailed in article 2 of the protocol of the Organ. The general objective of the Organ is to promote peace and security in the region.

On the other hand, RISDP is focused on providing strategic direction with respect to SADC integration and development programmes and activities. It also aligns the strategic objectives and priorities of SADC with the policies and strategies for achieving its long-term goals. It is meant to deepen regional integration in SADC. RISDP also relies largely on regional resources and SADC cooperating partners for its implementation.

Identified Common Interests in SADC

Out of the total twenty-four regional strategic issues on the SADC development and security agenda under SIPO and RISDP, fifteen were identified as common in the five sample countries. This accounts for 62.5 per cent of the total regional strategic issues currently on the SADC development and security agenda. This suggests that although the regional security arrangements cover the majority of the issues that are common in member states, SIPO and RISDP also include other security issues not common to member states. The question arises as to whether these additional issues such as science and technology, environment and sustainable development and regional statistics would be accepted by member states as requiring to be securitised at the regional level, though they have no security consequences at national level. There are however other issues such as development of

a common regional foreign policy which may not be found common at national level but are important for regional peace and stability.

The regional security arrangements do not necessarily capture all that is considered a security issue by states. This points to some securitization process which emphasises to some issues while relegating others to be dealt with at national level. An agreed securitization process needs to be established for the region to identify national interests that can be classified as regional security interests.

Although there are provisions on how SADC should approach conflict resolution, for example in the treaty establishing SADC, the protocol establishing the OPDSC, the Mutual Defence Pact on Inter and Intra-state conflicts, and many other provisions within SADC,¹⁰ there appears to be no common definition of what is meant by security within SADC. Another pertinent issue is whether or not the OPDSC is sufficiently integrated into the broader SADC structure, in terms of its functioning. The drafting of the Strategic Indicative Plan of the Organ (SIPO) illustrates a lack of integration.¹¹ SIPO is meant to define clearly the strategic objectives and mechanisms for systematic involvement of co-operating partners in various activities of the Organ. As SADC was developing SIPO, there was hardly any input from those structures outside of the OPDSC, and yet the SIPO and the Regional Indicative Strategic Development Plan (RISDP) are complementary and need to be closely linked to each other with the overall objective of delivering the SADC mandate. It is imperative that for SADC to realise faster integration all other strategies should be integrated into a single strategy which coordinates all SADC functions and activities towards achieving issues and regional objectives.

¹⁰ Sivuyile Bam, "SADC's Security Architecture: Policy-Based Research and Capacity Building", in Hendricks Cheryl, (ed.), *From State Security to Human Security in Southern Africa: Policy Research and Capacity Building Challenges - ISS Monograph Series, No 122, April 2006.*

¹¹ Sivuyile Bam, "SADC's Security Architecture: Policy-Based Research and Capacity Building", in Hendricks Cheryl, (ed.), *From State Security to Human Security in Southern Africa: Policy Research and Capacity Building Challenges - ISS Monograph Series, No 122, April 2006.*

Conclusions

It can be argued that in the earlier years of SADC the struggle against apartheid formed a rallying point for the independent member states which viewed South Africa as a common enemy against which they had to unite and cooperate to survive. After South Africa's independence a vacuum was created leading to states becoming inward looking and some states competing to dominate the region. The absence of a common enemy appears to have weakened the cohesion of states as was witnessed by the strong divergent views that emerged during the DRC war and the transformation of SADC structures. Such contestations at some point threatened to divide the region. However, the region survived collapse and has moved a step further to face the new and emerging realities of the present day.

Though SADC has gone through notable transformation its structures are not neatly coordinated to deal with the broader security issues which include political, societal, economic, environmental and military. The restructuring was largely influenced by specific cases like the interventions in the DRC and Lesotho where the region appeared divided on how to deal with each case. The region has no security strategy. Evident is the need for a regional security strategy that informs the restructuring process.

The activities of the SADC OPDSC and the Council of Ministers are not coordinated under a single strategy. There is SIPO and RISDP which are not under a single regional coordination structure. For coordination, a regional security strategy should be managed by a single institution which deals with securitised issues only. The OPDSC could be transformed to play this role with one of the deputy chairs of the troika taking charge of politics defence and security under SIPO, while the other takes care of the developmental issues under the RISDP. Both of them could then report to chairman

under the guidance of a regional security strategy. The chairman of the OPDSC would in turn report to the Summit on how the Organ would be managing securitised regional issues.

The SADC sub-region has not been involved in war for more than ten years making its future prospects bright. The member states have signed a defence pact which shows their resolve to operate collectively in the interest of each other's security against aggression. Also encouraging is the fact that all states have been experiencing positive economic growth. The powerful South African economy is likely to stimulate faster growth to the region. The DRC is also another country with the potential to transform the region into one of the world's fastest growing regions.

There is no common understanding of issues that can be classified as security issues in SADC. The existing SADC security framework and integration strategy do not comprehensively cover even those other common security concerns of member states, pointing to a questionable strategy formulation process. The SADC structures and procedures lack a clearly defined method by which member states can debate and come up with issues that can be defined as regional security interests. Furthermore, a securitisation process of issues in SADC has not been established.

Recent debates on the concept of security have seen some consensus emerging on a broader understanding of security to include issues such as economic, political, societal, environmental and military. For SADC to realise faster integration and be able to compete effectively in the ever changing global system there is a need to develop a functional regional security strategy which can be useful in coordinating economic, socio-political, and military issues. The issues outlined in the wider understanding of the concept of security are the basis of regional integration. Regional integration and regional security can therefore not be separated. The future of SADC would be

brighter if the region implements a well formulated regional security strategy. The relationship between regional integration and regional security points to the need for a regional security strategy which can effectively promote regional integration and enhance the survival and faster integration of the region.

Focus on COMESA and its Programme on Peace and Security

Elizabeth Mutunga*

Abstract

This article presents the COMESA programme on peace and security, its mandate, decision-making processes, supporting structures, and the programmes that have been established for the prevention, management and resolution of conflicts in the sub-region. The article reviews the establishment of COMESA within the larger integration of Africa as envisioned by the founding fathers of African integration in the late 1950s and early 1990s. It highlights the objectives of COMESA, the thinking behind these objectives and the integration process that has been established to enable COMESA to realize its objectives.

Introduction - Towards African Integration

The treaty establishing the Common Market for Eastern and Southern Africa (COMESA) was signed in November 1993 in Kampala¹ to replace its predecessor, the Preferential Trade Area (PTA), established in 1981. The idea of creating body to promote sub-regional integration for the eastern and southern Africa region can be traced to the revival

* COMESA Secretariat, Lusaka.

¹ Membership at the signing of the Treaty was open to Angola, Burundi, Comoros, DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. The Treaty further stipulated that other Member states that are immediate neighbors of COMESA Member States can be admitted into COMESA upon fulfilling conditions set by the Authority. Since then, Angola, Namibia and Tanzania have withdrawn membership while Libya joined in 2006.

of the pan-African movement in the late 1950s. Several meetings of the newly independent African states including a meeting in Accra (1958), in Tunis (1960) and Egypt (1961) culminated in the establishment of the Organization of African Unity (OAU) in 1963. The newly independent African states, which were united by common challenges and experiences, including colonialism, poverty and imperialism, established the supranational body for purposes of unity and empowerment against oppression and exploitation.

Although the need for integration was indisputable, there was no consensus on the most ideal approach to adopt for the integration. Prior to the signing of the OAU charter two models for African integration were proposed. Ghana and other countries including Guinea, Morocco, Algeria, Congo, Mali, Tanzania and Egypt (Casablanca group) advocated for political integration as a pre-requisite for economic and social integration. Nigeria led what was referred to as the Monrovia group or the moderates, comprising mostly the French speaking countries to advocate a gradual approach. They proposed integration along functional lines that would be implemented through sector specific and incremental practical steps. At the signing of the OAU charter in May 1963, it was decided to shelve the political integration model and agreed to initially proceed with the gradual and functional integration approach.

Against this background, the newly independent African states of eastern and southern Africa met at a ministerial meeting of the United Nations Economics Commission for Africa in Zambia in 1965 to consider proposals for sub-regional integration. This meeting became the first major benchmark of the establishment of COMESA. The meeting recommended the creation of an economic community for eastern and southern Africa, and convened a ministerial committee to negotiate a treaty. The outputs of the committee were considered by a meeting of ministers of trade, finance and planning in 1978 and

resulted in the Lusaka Declaration of Intent and Commitment for the Establishment of a Preferential Trade Area for Eastern and Southern Africa designed to give way to a common market after ten years of its establishment.

By the time the Preferential Trade Area was established, the OAU had been in existence for two decades. Assessments showed that it had only managed to successfully achieve political independence for Africa but had done little for economic and political stability.² It was clear among the pan-Africanists and other analysts that post independence development strategies had failed the continent and there was a growing desire for Africa to curve out its own development strategies.

After the first decade of the establishment of the OAU, several meetings were held to review and reverse the economic underdevelopment. This resulted in several outcomes including the Addis Ababa Declaration (1973) that focused on the inability of the international community to create favorable conditions for Africa's development; the Kinshasa Declaration (1976) that recommended inter alia, the formation of an African economic community, and the Monrovia Declaration (1979) that proposed the establishment of a new economic order for Africa.³ These culminated in the adoption of the Lagos Plan of Action (LPA)⁴ and the Final Act of Lagos (FAL) in 1980 at an extra-ordinary session of the OAU in Lagos Nigeria and the adoption of the Treaty establishing the African Economic Community

² Paul. G. Adogamhe, *Pan Africanism Revisited: Vision and Reality of the African Union and Development* Whitewater, University of Wisconsin, 2008.

³ Rene N'Guettia Kouassi, *The Itinerary of African Integration Process: An overview of the historical landmarks*

⁴ www.uneca.org/itca/ariportal/docs/Lagos_plan.PD for text on the LPA. The LPA/FAL were seen as blue-prints for the economic and political development of Africa (OAU Heads of State and Government in April 1980). The LPA enjoined African States to establish sub-regional groupings towards the creation of an AEC. The LPA reinvigorated integration and re-introduced some of the Pan African themes such as African solidarity and collective self reliance.

(AEC) (1991) in Abuja (the Abuja Treaty).⁵ The LPA recognized that historical injustices and over reliance on external forces were primarily responsible for underdevelopment and strived to restructure the economic foundation based on the principal of collective self reliance by promoting regional and continental integration schemes and the industrialization of the continent.⁶

The LPA/FAL reemphasized the promotion of economic integration as a prime mover of Africa's individual and collective socio-economic transformation and gave impetus to the formation of integration groupings that would ultimately lead to the African economic community. The PTA was among the groups that were established in conformity with the LPA and the FAL in the 1980s. Other regional integration groupings that were established include the Economic Community of Central African States (ECCAS) in 1983; the Indian Ocean Community (1985); the Southern Africa Development Cooperation Conference (SADCC) (1980) which evolved to SADC in 1992; and the Arab Maghreb Union (UMA) in 1989. The FTA evolved into COMESA in 1993.

The signing of the treaty establishing COMESA in 1993 came slightly after the signing of the Abuja Treaty which outlined modalities and a timetable for the establishment of the AEC and where emphasis was placed on RECs as the building blocks. The Abuja treaty committed to strengthen existing RECs⁷ and support the establishment of RECs where they did not exist.⁸ An analysis

⁵ www.uneca.org/itca/ariportal/abuja.htm for the Treaty establishing the African Economic community (the Abuja Treaty). The Abuja Treaty, which is really a revised and corrected version of the LPA, provided a six stage, 34 year long approach to integration that starts with the strengthening of RECs. The other steps are similar to the steps adopted by COMESA and described in this paper.

⁶ Olutunde Ojo, 1985, Regional Cooperation and Integration in O. Ojo, D. K. Orwa and C. B Utete, *Africa International Relations*

⁷ Among the RECs that existed pre-Abuja Treaty include ECOWAS, which was founded in 1975 and EAC which existed between 1975 to 1977 (dissolved before the signing of the Abuja Treaty)

⁸ Article 4(2) of the Abuja Treaty

of the treaty establishing the PTA and COMESA shows that a lot of lessons were drawn from the debates and meetings of the 1970s and 1980s.⁹ The preamble of the COMESA Treaty acknowledges that the COMESA Treaty is inspired by the objectives of the Abuja treaty.

Objectives of COMESA

Two things stand out in reviewing the objectives of COMESA as enshrined in the 1993 Treaty. Firstly, economic integration is the core of COMESA's existence. Three out of the six objectives directly relate to economic development, while a fourth is designed to ensure an environment for economic development. Secondly, the objectives of COMESA are very closely aligned to the objectives of the 1981 treaty establishing the African Economic Community.

The first objective is to attain sustainable growth and development of the member states by promoting a more balanced and harmonious development of its production and marketing structures.¹⁰ This objective is in line with the objectives of the Abuja treaty.¹¹ The second objective for COMESA relating to economic development is to promote joint development in all fields of economic activity and the joint adoption of macro-economic policies and programmes to raise the standard of living of its people and foster closer relations among its member states.¹² The third objective of COMESA is to cooperate in the creation of an enabling environment for foreign, cross border and domestic investment including the joint promotion of research and

⁹ This is found in the chapeau of Article 6 of the Treaty Establishing the Common Market for Eastern and Southern Africa, specifically – “Member States in pursuant of the aims and objectives stated in Article 3 of this Treaty and in conformity of the Treaty for the establishment of the AEC signed in Abuja, Nigeria on 3rd June 1991, agree to adhere to the following principles...”

¹⁰ Article 3(a) of the Treaty Establishing COMESA

¹¹ Similar to Article 3(d) of the Abuja Treaty

¹² Article 3(b) of the Treaty Establishing COMESA

adaptation of science and technology for development. The fourth objective of COMESA is to cooperate in the promotion of peace, security and stability among its member states, in order to enhance economic development in the region.¹⁴ Accordingly, the promotion of peace, security and stability is primarily intended for economic development and is in line with one of the principles of the Abuja treaty.¹⁵ The fifth and sixth objectives emphasize integration and support economic development indirectly. The fifth objective relates to integration for the purposes of strengthening the bargaining power of the sub-region in the global environment, specifically, “to cooperate in strengthening relations between the Common Market and the rest of the world and the adoption of common positions in international fora.”¹⁶ The sixth objective is consistent with the LPA/FAL and the Abuja treaty and it is aimed at ensuring that the integration of the sub-region ultimately builds towards the AEC. Specifically, the sixth objective of COMESA is “to contribute towards the establishment, progress and the realization of the objectives of the African Economic Community.”¹⁷

The COMESA Integration Process

Consistent with the objectives of COMESA, its integration process supports economic development of the sub-region and is ultimately geared to the realization of the AEC. The first step of this integration process was the establishment of a preferential trade area, which was launched in 1994. Member states committed to trade with each other at reduced tariffs.

¹⁴ Article 3(d) of the Treaty Establishing COMESA

¹⁵ Article 3(f) of the Abuja Treaty

¹⁶ Article 3(e) of the Treaty Establishing COMESA

¹⁷ Article 3(f) of the Treaty Establishing COMESA

The second phase of the integration was launched in 2000 and the members agreed to trade with each other on a duty and quota free basis. Nine members namely, Djibouti, Egypt, Kenya, Madagascar, Malawi, Mauritius, Sudan, Zambia and Zimbabwe joined the FTA. Rwanda and Burundi joined in 2004, Libya and Comoros in 2006 and Seychelles in 2008. Out of the remaining countries, the Democratic Republic of Congo, Ethiopia, Eritrea and Uganda continued to reduce tariffs to over 8 per cent tariff reduction with the exception of Swaziland, which is also a member of the Southern Africa Customs Union (SACU). Swaziland has been granted derogation since the launch of the FTA, allowing it preferential non- reciprocal access into the COMESA market.

The FTA allows members to trade with third countries differently; and two countries in the FTA can charge different duty rates for the same product category to the same third country. For the higher level of integration, the customs union imposes uniform competitive policies and requires that all members charge the same duty to third countries for similar product categories. This makes the region more attractive to investors. The customs union for COMESA was launched in 2009 with a three year implementation period. By then member states will implement a common external tariff. It is expected that the common market, which will include the free movement of all the factors of production will be launched in 2025, and also the economic community where the region will be expected to launch a common currency. This will pave way for the AEC and the political union.

Integration is intended to lead to economic development and reduction of conflicts in the sub-region. It is not, however clear whether or not higher levels of integration have led to the reduction of conflicts. The most outstanding achievements of the COMESA FTA (which is the largest in Africa) has been an increase in intra-

COMESA trade. This has increased from US\$ 3.1 billion in 2000 to US\$ 17.4 billion in 2010, an increase of over 400 per cent in ten years. It is, however, noted that intra-COMESA trade as a percentage of total COMESA world trade has remained below 10 per cent and more analysis would help to show whether or not increases in intra-COMESA trade can serve as a conflict prevention tool for the region.

The Programme on Peace and Security

The fourth objective of COMESA is the promotion of peace, security and stability. This is intended to enhance economic development of the region. Peace and security were therefore considered as an objective with an end in itself. This explains why COMESA did not initially prioritize the development of a programme on peace and security. It only actively and systematically started its engagement in addressing conflicts in the region in 1999, six years after it was established. The decision was made after it became clear that the conflicts in the sub-region were affecting COMESA regional integration agenda.

Establishment of the Programme on Peace and Security

The decision to establish a peace and security programme for COMESA was made at the end of the most volatile decade for the region. This had affected more than half of the region, and prior to this COMESA's involvement in peace and security had been mostly adhoc. Although after the Cold War conflicts shifted to predominantly internal conflicts, it is the inter-state conflicts and disputes in the Great Lakes region that contributed most to hastening the establishment of a programme on peace and security for COMESA. The policy organ meetings intended to focus on matters of trade and economic integration instead became a venue to settle intra-state conflicts and disputes. As a result the Authority agreed on the need to establish

a separate forum to address these conflicts and disputes. Thus in May 1999, during the fourth summit of the COMESA Authority, in Nairobi, Kenya, it directed COMESA to set up formal structures and modalities to enable COMESA to deal with matters of peace and security.

When COMESA established its programme, the OAU and other eastern and southern African (ESA) Regional Economic Communities (RECs), most notably SADC¹⁸ and IGAD were already implementing programmes on peace and security. Assessments of the OAU showed it had failed in addressing the numerous conflicts that plagued the continent, including failure to resolve the Ethiopia–Somalia conflicts of 1977 and 1978, and the Chadian civil war of 1979 and 1982.

Africa was thus forced to review its intervention in conflicts, and during the decade in 1992 the OAU Mechanism for Conflict Prevention, Management and Resolution (CPMR) was established. During the same year the secretary general of the United Nations released his famous report, *An Agenda for Peace*¹⁹ which emphasized the need to prioritize on conflict prevention by proactively identifying situations and conditions that can produce conflicts at the earliest stage possible. The report introduced “preventive diplomacy” as a means to prevent conflicts from happening, and prevent existing conflicts from intensifying or spreading. It became renowned for its role that it played in redefining UN’s interventions on conflicts.

The failure by the UN and the OAU to prevent the Rwanda genocide of 1994 was the most significant driving force leading to the review of intervention by international bodies including the change of the OAU into the African Union (AU) in 2002. Subsequent developments at the AU and the UN became valuable lessons for

¹⁸ The SADC security function was founded in 1979 to provide collective security for its member states against Apartheid South Africa which had been involved in various conflicts in the region

¹⁹ Boutros-Ghali, B. *An Agenda for Peace* (New York: United Nations, 1995).

COMESA in the development of its own programme and informed a lot of the decisions that were made especially at the inception of the programme.

Mandate and Structure of the COMESA Programme on Peace and Security

The mandate for the COMESA programme on peace and security is derived from article 3(d) of the COMESA treaty and is guided by the fundamental principals enshrined in articles 6(h) and 6(i) of the treaty.²⁰ In addition, the COMESA Authority has adopted several decisions of the COMESA ministers of foreign affairs to further define the programme.

Among the key directives at the inception of the programme include a decision that COMESA ministers of foreign affairs will meet at least once annually to consider modalities to promote peace and security. The Authority also, directed that the work of the programme would complement initiatives of the other RECs in the region and would be done in the framework of the OAU Mechanism for CPMR. The Authority emphasized that the COMESA programme on peace and security would not over-shadow the paramount agenda of economic development. This recognized that peace and security are very involving and can be very resource intensive and occupying. Organizations that have been involved deeply in the resolution and management of conflicts have, in some cases, done so at the expense of the pace and degree of economic integration. Having a completely different forum to discuss matters of peace and security from the fora that discuss issues around economic integration ensured that this

²⁰ Article 6 of the Treaty Establishing COMESA highlights its Principles, which comprise a list of ten principles including 6(h), “the promotion and sustenance of a democratic system of governance in each Member State; and article 6(i), “the maintenance of regional peace and stability through the promotion and strengthening of good neighborliness

would not happen with COMESA.

The first meeting of the ministers of foreign affairs, which was held in 2000 made several key decisions and elaborated a seven-point structural emphasis that the programme; (1) would develop a structure to carry out preventive diplomacy. This was hardly surprising because the concept of “preventive diplomacy” had started to gain a lot of ground following Boutros-Ghali’s Agenda for Peace; (2) would ensure the involvement of non-state actors in the programme, (3) would ensure coordination and collaboration with other regional bodies in order to avoid the unnecessary duplication of resources; (4) would be a gradual process taking to account the resource constraints of member states; (5) would ensure utilization of existing national institutions for capacity building; (6) would consider the future development of an early warning system, conflict management, conflict resolution and post conflict transformation; and (7) would adopt a short three tier structure.

To implement these decisions and incorporate the structural emphasis, the ministers of foreign affairs would report directly to the Authority, unlike the other programmes of COMESA, where ministerial decisions are first taken through the council of ministers before presentation to the Authority. The establishment of the short three-tier structure reflected the urgency attached to addressing matters relating to the promotion of peace and security. The three tier structure starts with the committee on peace and security, which comprises of senior government officials from the ministry of foreign affairs. A meeting of the committee on peace and security is held every year ahead of the meeting of the ministers of foreign affairs.

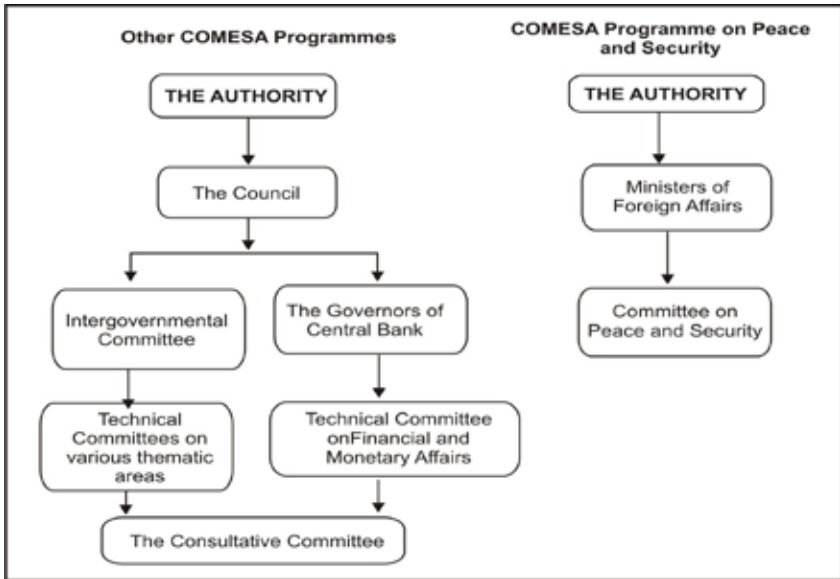


Figure 1: Decision Making Structure of COMESA and of Peace and Security

Decision Making Process: Policy Organs

The committee on peace and security deliberates on the conflicts in the region by reviewing all conflicts and making recommendations for consideration by the ministers of foreign affairs. Since its inception, the committee has considered the conflicts in the Great Lakes region including the Burundi civil war, the internal and inter-state conflicts of the Democratic Republic of Congo and Rwanda; the insurgencies like the Lords Liberation Army (LRA) conflict in Uganda; conflicts in the Horn of Africa like the Eritrea-Ethiopia conflict, the Sudan north-south conflict and the conflict in Darfur; the 2008 conflict between Eritrea and Djibouti, the civil war in Burundi, the internal conflicts in Comoros; the internal crisis in Comoros and the unconstitutional change of government in Madagascar; the post elections violence in Kenya and the recent uprisings in Egypt and Libya. The committee

on peace and security also reviews the programmes undertaken by the secretariat and makes recommendations aimed at ensuring that the programme remains responsive to the challenges faced by the region and also continues to work within its mandate.

The ministers consider the recommendations made by the committee and make decisions for the consideration and adoption by the COMESA Authority, which meets in closed session to consider the peace and security situation and to endorse the decision by the ministers. While the decisions of the ministers of foreign affairs address and respond to the specific needs of the region, deliberate attention is given to ensure that they are aligned to decisions of the African Union and other ESA RECs. For example, during the Madagascar crisis, the Authority, at the thirteenth summit that was held in Zimbabwe in 2009, and while reviewing the decisions of the ninth meeting of the ministers of foreign affairs agreed to fully support initiatives by SADC and also agreed for SADC to lead in the mediation process. The Authority agreed that it was important for all regional actors to take the same position and speak with one voice. In that regard COMESA imposed sanctions on Madagascar until its return to constitutional order, consistent with positions taken by the AU and SADC. The COMESA Authority released a communiqué calling for an examination of all options to restore constitutional order not ruling out possibilities of a military solution if the need arose. These statements were given a lot of media coverage and gave impetus to SADC's mediation process.

The respective meetings of the ministers of foreign affairs have been instrumental in the development of the programmes and have been guided by research and consultations. Among the first initiatives of the programme was to commission a study to explore the root causes of conflicts in the COMESA region, in order to guide intervention by the programme on peace and security. The study

showed that conflicts in the region are complex and have a dynamism that requires a wide range of stakeholders to address them.

COMESA has also established several other institutional structures to support its programme. These include accredited civil society and private sector organizations, the Inter-Parliamentary Forum for COMESA, and the COMESA committee of elders. All these provide valuable inputs to the COMESA programme on peace and security and the reports of their meetings are regularly considered by the committee on peace and security which makes recommendations to the Ministers of foreign affairs. These bodies therefore influence policy at the regional level.

Accredited Civil Society and Private Sector Organizations

There has been a growing awareness on the important role that civil society organizations can play in peace-building. This recognizes the complexity and multi-dimensional character of conflicts. The focus for a long time, however still remained for state actors and leaders of parties in conflicts to resolve them. In 2005 the United Nations Security Council highlighted the important role for civil society and noted the “contribution of a vibrant and diverse civil society in conflict prevention and peaceful settlement of disputes”. The role of the private sector in peace-building has been less recognized despite the changing approach to peace building that touches on human security, and includes the need to create socio economic and political preconditions for sustainable development and peace.

Among the first decisions of the Authority on the programme on peace and security was a decision during its 5th Summit in 2000, for COMESA to establish a formal working relationship with civil society and private sector organizations, and to develop specific criteria for the accreditation of these non-state actors. COMESA

became the first and only REC in Africa to develop formal modalities for engaging civil society and private sector organizations in peace and security. For COMESA this partnership is also equally extended to the private sector given COMESA's focus on trade and investment.

Partnership by the programme to civil society and private sector organizations is very strategic in the search for lasting peace and security. This is because civil society is close to the ground where conflicts are played out, and also because of its role in research and advocacy. The private sector is also an important stakeholder because it has an interest in a peaceful environment, and has resources that can benefit the programme. Accredited civil society organizations have been involved in various aspects of the programmes including policy research and provision of recommendations to support various programmes, provision of training services such as to COMESA elections observer missions and participation in elections observer missions. Accreditation is granted by the ministers of foreign affairs. Inter-Parliamentary Forum for COMESA

Another important decision was the inclusion of parliamentarians to support the programme on peace and security. The engagement of parliamentarians started in 2001 and 2002 when COMESA conducted training and skill building for over 70 members of parliament on conflict prevention, management and resolution. In 2004 the ministers of foreign affairs considered the possible role of parliamentarians in the COMESA programme including advocacy for peace building through legislation; information brokerage, given their representation role and their proximity to the other arms of government; fact finding and peace missions and advocacy for supporting deepened integration for enhanced peace and security.

In 2006 the secretariat convened a meeting bringing together representatives from parliamentary committees that deal with matters of peace and security. One outcome of the meeting was a

recommendation for the establishment of an Inter-Parliamentary Forum for COMESA to support the COMESA programme on peace and security. The IPFC was established by the seventh meeting of the Ministers of foreign affairs, in Djibouti in November 2006. It was established as an independent advisory body expected to play an oversight role.

The Inter-Parliamentary Forum has held various meeting since its establishment. It has, for example, met to develop its rules of engagement and has been involved in various programmes. The parliamentarians under the auspices of the IPFC have made several key recommendations including the development of legislation to regulate the exploitation of natural resources, and proposed the establishment of focal points in the national assemblies for a more effective interface in the fight against war economy. Parliamentarians from the Great Lakes region have also met under the umbrella of the IPFC to deliberate on how best parliamentarians can assist in the empowerment of small scale cross border traders, within the framework of the COMESA trading for peace programme. The IPFC has also supported the programme by providing election observers for COMESA observer missions.

COMESA Committee of Elders

The COMESA committee of elders was established by the COMESA Authority during its 11th Summit, in Djibouti in November 2006. Following its establishment, nine eminent persons drawn from the COMESA region were appointed to serve as a committee of elders. The first set five of members of the committee of elders was elected by the ninth meeting of the Ministers of foreign affairs and adopted by the 13th summit of the heads of states and governments in Zimbabwe in June 2009. The second set of four members was elected during

the tenth meeting of the ministers of foreign affairs and adopted by the 14th summit of the COMESA heads of state and government in Swaziland in September 2010.

Unlike the African Union panel of the wise, or the ECOWAS council of elders, the appointment of the COMESA committee of elders follows a process involving nomination by member states, and election by the Ministers of foreign affairs. Various criteria for nomination were set out; the nominees must be well known and respected individuals from the region whose personal achievements define them. The elders serve a term of four years and the scattering of the election is to ensure continuity as their terms end.

Consistent with the first decisions of the ministers of foreign affairs, the programme must ensure close linkage and collaboration with the African Union panel of the wise. Various discussions have been held to formalize collaboration especially in mediation. Among the areas of collaboration has been launching of joint pre-elections assessment missions. In December 2011, the members of the committee met to develop their own rules of procedure, including standard operating procedures, and also developed guidelines for mediation.

Programmes Supporting CPMR

COMESA has established several programmes to address conflict prevention, management and resolution, and programmes on post conflict reconstruction and security. The initial focus for the programmes was to develop its systems and structures. The development of the programmes was guided by several key decisions, including the decision at the inception of the programme, for COMESA to focus on conflict prevention and preventive diplomacy, work within the framework of the African Union, and to ensure to work in

close collaboration with other regional bodies in eastern and southern Africa. In 2006 the meeting of the ministers of foreign affairs made another decision that has shaped programme development, which as for COMESA is to carve its niche on the economic dimension of conflicts. This is in line with the objectives of COMESA, which emphasizes economic development as the goal for its peace and security programme.

In response to these decisions, all six programmes are geared primarily to address conflict prevention. Regarding the decisions to work within the framework of the AU and work in collaboration with other ESA RECs, four of the programmes have elements of collaboration. The war economy programme and the regional maritime security programmes are developed in close collaboration with the East African Community (EAC), the Inter-Governmental Authority on Development (IGAD), and the Indian Ocean Community (IOC). Each of the three organizations implements their respective components separately although in some cases there is some degree of joint implementation. The conflict early warning system was developed in close collaboration with the continental early warning system, and the early warning systems of other ESA RECs. There is therefore minimum duplication in the implementation of these programmes.

Regarding the decision for COMESA to carve its niche around economic dimensions of conflicts, four of the programmes have a strong economic dimension. These include the early warning system, which includes indicators for economics and trade; the war economy programme, which addresses economic motivation for conflict; the trading for peace programme which uses trade as a mechanism for stability and the regional maritime security programme where COMESA is implementing a component that addresses the economic such as money laundering.

	COMESA PROGRAMMES	JOINT PROGRAMMES	ECONOMIC FOCUS
FUNCTIONS			
Conflict Prevention		X	X
Conflict Management		X	
Conflict Resolution		X	
Post Conflict Reconstruction		X	
Security		X	X
	Conflict Early Warning		
	Democracy and Governance Programme		
	Mediation Support Programme		
	War Economics		X
	Trading Peach		X
	Regional Maritime Security Programme		X

Table 1: Programme response to Key Decisions

Conflict Early Warning

The idea of COMESA setting up an early warning system was envisaged from the inception of the programme as stated in the 2000 eight-point structural emphasis for the programme. At that time the need for greater focus to be placed on prevention and early warning was picking momentum and like much conflict prevention the move was also inspired by Boutros Ghali's 1991 Agenda for Peace, "Prevention achieved by employing inter-alia early warning is evidently better than having to undertake major efforts to resolve crises after they have broken out."

Several decisions were made from 2005 directing COMESA to set up its early warning system. This was largely realized in 2007 following discussions between the AU and the RECs, which

identified the need to develop early warning capability in the AU and the RECs. The AU and RECs worked together to mobilize funds from the Africa Peace Facility to implement programmes to build on the Africa peace and security architecture, of which early warning is a significant component. Specifically, some funds were committed to “further develop and consolidate achievements made in the establishment of the continental early warning system (CEWS)”. Article 12 of the African Union Peace and Security Council Protocol on the establishment of a CEWS recognizes that RECs are considered an integral part of the overall security architecture of the AU.

In 2009 by the summit of the COMESA Authority which was held at Vic Falls Town in Zimbabwe the COMESA conflict early warning system (COMWARN) was established. It is designed primarily to focus on the structural factors of conflict. This is in order to enable the COMESA programme on peace and security to work within its niche, which is to address the economic dimensions of conflicts, while ensuring to capture other structural factors of conflict. COMWARN is thus intended to assist COMESA to fulfill its mandate of conflict prevention.

In response to a 2005 decision of the ministers of foreign affairs that directed COMESA to base the development of its early warning system on a comprehensive study, the Secretariat commissioned experts to conduct structural conflict vulnerability studies in 2010. Based on the outcomes of the study, the 11th meeting of the ministers of foreign affairs, the meeting adopted a set of 78 indicators linked to demographic, economic, political, historical, security, social, environmental and international factors. A quarter of these indicators are linked to economic factors, and emphasize the economic focus of the COMESA early warning system, thus remaining consistent with the COMESA’s niche.

Respective meetings of the ministers of foreign affairs that

addressed early warning urged COMESA to set up its early warning system in close collaboration with the African Union CEWS and other ESA RECs. To that end COMESA has carved a niche that differentiates COMWARN from early warning systems of other RECs and in itself, supports the CEWs.

The eight recognized RECs have instituted regular meetings designed to ensure that maximum synergies are achieved between the AU and RECs, and to allow the RECs to learn from each other on best practices, while recognizing that different RECs are at different stages of development. Synergies have been achieved and the AU and RECs have indeed concluded an agreement to enable them to share analytical tools, saving funds that would have gone into development of similar tools by each REC. It also helps that all the RECs receive some funds from the Africa peace facility capacity building programme and develop budgets and work plans jointly which ensures that there is minimum unnecessary duplication of resources.

Programme on Democracy and Governance

Among the findings of the 2000 study on the root cause of conflicts in the COMESA region, governance was identified as one of the key root factors in the region's conflicts. COMESA has been involved in projects related to governance, including anti-corruption but in 2009 COMESA commenced a joint regional political integration and human security support programme with EAC and IGAD that focuses on democracy, governance and human security. While all the RECs are implementing various aspects of each of the three result areas, each REC is allocated a leadership role in one area. COMESA is taking the lead on democracy and has been working towards strengthening elections management bodies in the region and strengthening the electoral processes in its member states.

COMESA has also been involved in the observation of elections in its member states. It has so far been able to observe ten elections in 14 member states. COMESA has observed elections in partnership with other regional organizations, including partnership with the International Conference on the Great Lakes region for the Burundi elections and partnership with IGAD and EAC in the February 2011 Uganda elections. This allows the deployment of larger and more credible mission and accomplishes rationalization on the resources.

Trading for Peace

The trading for peace (TFP) programme is the first formal COMESA programme that has addressed PCRD. The programme, which commenced in 2006 was in response to a decision of the seventh meeting of the COMESA ministers of foreign affairs in Djibouti in November 2006. The programme took advantage of an emergence of peace and security in the Great Lakes region, evidenced by the signing of peace agreements and promising democratic elections in Burundi and the DRC after decades of conflict. The aim of the programme is to build peace in the COMESA region through the facilitation and formalization of cross-border trade and the building of trust between all stakeholders in cross border trade.

The first phase of the project investigated trade flows in the region through research, with a focus on eastern DRC, along three main export corridors,- the northern, central, and southern corridors. The research defined intervention for the second phase, which involved of supporting capacity building and networking for stakeholders related to trade in the Great Lakes region. The project supported cross border fora at the border posts of the DRC and its respective neighbours, in order to enhance trading relations. The fora also addressed various thematic modules concerning the respective border posts including a

module on the simplified trade regime, access to finance to small scale traders, agriculture and the rural economy, timber trade, and cross border energy cooperation. The programme has also been involved in training programmes targeted at border services such as customs officials at various border posts.

The need for information access to small scale traders to minimise uncertainty and smuggling was one of the main recommendations from the fora. This led to the installation of seven trade information desks (TIDs) at various border posts. In 2010/2011 it provided information to thousands of small scale traders and also received and addressed complaints.

Programme on War Economies

To further reinforce post conflict reconstruction, COMESA is implementing a programme on war economies that began in 2008, as part of a bigger CPMR programme. This was jointly developed by COMESA, EAC and IGAD with each taking a lead on an area of its competence.

The COMESA component of war economies started with a study to empirically evaluate the nature and extent of war economies in the COMESA region. It was designed to ensure that all aspects of war economies were addressed. Following the study, the programme is strengthening legal frameworks against war economies, which will address some of the structural factors in war economies. The programme also addresses the adverse effects of war economies on vulnerable groups with an initial target on the artisanal mining sector. The programme is implemented with a focus on conflict prevention. It is also concerned with countries that are not in conflict, in order to insulate them either from conflicts that spill over from neighboring countries' conflicts breaking out. The programme has an international

outlook recognizing that war economy; especially where lucrative mineral resources are involved, has international dimensions with demand mostly coming from European and Asian countries.

Regional Maritime Security Programme

Issues around security have been a great concern for the region and internationally. During the 13th summit of the COMESA Authority in Zimbabwe in June 2009, the heads of states and government expressed concern over the rise of piracy off the Indian Ocean, and called for increased coordinated efforts against piracy.

In July 2010, COMESA convened a regional workshop on piracy that involved member states and representatives from RECs and other regional and international bodies to develop a regional action plan against piracy. This was presented and adopted by the 14th summit of the COMESA Authority in Swaziland in September 2010. COMESA working with IGAD, IOC and EAC have been involved in the development of a programme on piracy. This programme inter alia addresses the arrest, detention and prosecution of pirates and the economic impact of piracy. The programme has also developed an inland strategy for Somalia.

The COMESA component of the project will focus on the economic dimensions. It has a focus on the financial flows relating to piracy including money laundering. The programme will sustainably strengthen the capacity of the regions key stakeholders such as financial intelligence units (FIUs) and law enforcement agents to track, arrest, and prosecute economic crimes related to piracy.

Conclusions

Looking ahead, given the structures and programmes that COMESA has put in place in slightly over a decade of the existence its peace

and security programme, the effectiveness, responsiveness and adaptation of the programme will be put to test during this second decade. This comes within the backdrop of new and emerging challenges in the region such as the emergence of new threats including the impact of climate change, the threats of terrorism and piracy; the increase in challenges that related to the democratization of the continent coupled with greater awareness and demands of accountability by the populations; and the global economic and financial crunch among others. Despite all these challenges, there are various opportunities such as greater confidence in Africa intervention, the decline of long drawn out violent conflicts and greater awareness among the leaders and citizens that the success of economic integration is dependent on political and social integration, which COMESA can and exploit. The success of the COMESA Programme on Peace and Security to deliver on its mandate will hinge on how well it employs the wide range of actors and structures that have been established and the deepening of strategic partnerships and collaboration.

Rules, Standard Operating Procedures and Mediation Guidelines for the COMESA Committee of Elders: Explanation, Rationale, and Philosophy

Makumi Mwangiru*

Abstract

This article analyses the rules, standard operating procedures and mediation guidelines for the COMESA committee of elders. It explains the institutional development of the idea of the committee of elders, and places it within the context of the work of COMESA on peace and security in the region. The article divides each of the three sections of the rules – rules of procedure, standard operating procedures and mediation guidelines – into their analytical components, and analyses the philosophical rationale for each, and explains their inclusion in the rules. The article notes that the rules on mediation guidelines are intended to provide guidelines for the committee as it performs its mediatory work, rather than tie its hands.

Introduction

The Rules of Procedure, Operating Procedures and Mediation Guidelines for the COMESA Committee of Elders follows from the decisions of the COMESA ministers for foreign affairs in their meetings in 2006, 2007, and 2011. The ministers in these meetings decided to establish a committee of elders drawn from the COMESA region (2006); set up a committee of elders within the framework of the COMESA Programme on Peace and Security, defined the modalities of its engagement (2007); and suggested the themes of the rules of procedure for the committee (2011). The setting up of the

* Professor of Diplomacy and International Conflict Management, Institute of Diplomacy and International Studies, University of Nairobi

COMESA committee of elders was informed by the emphasis that COMESA is a building block of the continental peace and security architecture. Thus, the COMESA initiative of creating the committee of elders is placed within the general framework of the African peace and security framework.

This article explains these rules, standard operating procedures and mediation guidelines. It explains the rationale for each of the rules, and comments on the philosophy behind them. The article divides the rules in each of the parts into themes. This is intended to make the analysis of the rules easier, and is not necessarily scientific.

Structure of the Rules

The rules, standard operating procedures and mediation guidelines are divided into five parts. The first is preambular, and contains the preamble and the definitions (Rule 1). There follow four substantive parts: Part 1 which contains the specific rules of procedure, which are contained in nine rules (rule 2-10). Part 2 contains specific rules on the standard operating procedures, which are carried in ten rules (rule 11-20). Part 3 contains the specific rules on mediation guidelines, and contains seven rules (rule 21-27). Part 5 which is the final part contains the final provisions, and these are contained in four rules (rule 28-31).

Part 1: Rules of Procedure

The rules of procedure can for analytical reasons be divided into three parts. The first part is concerned with the philosophical basis for the creation of the committee of elders. This philosophical basis addresses the rationale of the committee including its mandate, roles, and the principles that shall guide it (rule 2-4). The second part of the rules of procedure is concerned with the political and diplomatic

basis for the operation of the committee of elders. The political and diplomatic basis addresses the criteria for the appointment of the committee, the procedures for appointment of its members, the tenure of the committee, and the appointment and roles of the chairperson of the committee (Rule 5-8). The third part of the rules of procedure is concerned with the administrative basis for the operation of the committee of elders. The administrative issues are concerned with the termination of the tenure of members of the committee, and with the filling of vacancies in it (Rule 9-10).

The Philosophical Basis: Mandate, Roles and Principles

The mandate of the committee of elders is contained in Rule 2. This rule has three parts: it specifies the mandate of the committee in Rule 2(1); the issues that it should take into account in fulfilling its mandate (Rule 2(2)); and the authority for the committee carrying out its mandate. The rules for the mandate of the committee are derived from the specifications given by the COMESA ministers of foreign affairs. They are also adapted from the mandates of similar committees in other organizations like the AU Panel of the Wise, the Eminent Persons Group of ASEAN, the Africa Progress Panel, and from the Regulations of the ECOWAS Conflict Prevention Framework. In this respect, Rule 2(1)(a), (g) are drawn from the COMESA ministers of foreign affairs, Rule 2(1) (d) and (h) is drawn from the Africa Progress Panel; and Rule 2(1)(e) from the rules of the Eminent Persons Group of ASEAN.

Rule 2(2) on the issues that the committee should take into account in fulfilling its mandate is derived from the guidelines provided by the COMESA ministers of foreign affairs. Rule 2(3) on the authority for carrying out the mandate of the committee was put into the rules of procedure specifically for the COMESA committee

of elders. Some similar committees or panels allow the members to work without having to consult the respective organizations that appointed them. For the COMESA committee, it was felt that it would be more effective if it works in consultation with the structures and authorities of COMESA. This was also to ensure that the committee will work within the framework of the needs of COMESA.

The roles of the committee are provided for in Rule 3. The roles of the committee are adapted from the roles of similar committees. In this regard, Rule 3(1)(b),(e),(g), (j) and (k) are adapted from the AU Modalities for the Functioning of the Panel of the Wise; Rule 3(1)(f) and (h) from the Regulations of the ECOWAS Conflict Prevention Framework. The roles for this committee and other similar ones are not controversial, and are also harmonized with the general mandate of the committee.

The principles of the committee are provided for in Rule 4. These principles are based on the guidelines provided for by the COMESA ministers of foreign affairs. They are also adapted from similar committees and panels elsewhere. Thus Rule 4(1)(a) is adapted from the terms of reference for the Africa Progress Panel, while Rule 4(1)(c) and (e) are adapted from the Terms of Reference of the Eminent Persons Group of the ASEAN Charter.

Political and Diplomatic Basis: Appointment and its Criteria

The criteria for the appointment of the committee of elders is provided for in Rule 5 of the rules of procedure. Rule 5(a), the first part of (b), (c), (e) and (f) are based on the guidelines provided by the COMESA ministers of foreign affairs. The second part of Rule 4(b) about affiliations to a member state are adapted from ECOWAS and ASEAN structures which follow the rule that members of the committee should not be appointed due to their affiliations to a

member state. This is a principle that is well recognized and practiced with respect to employees of these kinds of organizations. Rule 4(d) on the principle of geographical representation is an important criteria to have with regard to the appointment of the COMESA committee of elders. The COMESA region spans many geographical regions of Africa, and it is therefore important that the committee is not selected from only one of these regions. If it did, the committee would be greatly diminished. Rule 5(f) is based on the requirement for a thirty per cent gender representation balance. For a nine member committee (this number is specified), 30 per cent represents three members.

The rules for the appointment of members of the committee are contained in Rule 6 of the rules of procedure. Rule 6(2)(b)(i)(ii) (iii), and Rule 6(3) are contained in the guidelines provided by the COMESA ministers of foreign affairs. Rule 6(2)(b)(v) is adapted from the AU modalities for the Functioning of the Panel of the Wise; and Rule 6(2)(b)(vi) and Rule 6(4)(b) are adapted from the Statute of the International Court of Justice. Rule 6(2)(b)(vi) that a candidate for the committee should not hold any administrative functions in a member state (and any regional or sub-regional organization) is an important rule. Its rationale is to reduce as much as possible any conflicts of interest that may arise. It is also intended to remove instances where a committee member, while serving as such, is also engaged in other offices which would lead to diminishing their focus. Rule 6(2)(b)(vii) on financial, moral, ethical or other improprieties is intended to ensure the probitious character of candidates who have been proposed by member states, and to reduce the challenges to committee members once they have been elected. Such challenges would negatively affect the work of the committee.

Rule 6(2)(b)(viii) on conflicts of interest is also an important rule. Issues of conflict of interest in this area are important, for example where a member of the committee has been involved with

an organization dealing with conflict management issues, especially in a conflict in which the committee may be involved in the course of its mandate. This rule also supports the need for members of the committee to be impartial and objective in carrying out their functions. Rule 6(3) on the election of members of the committee by secret ballot is a good suggestion by the COMESA ministers of foreign affairs. It is different from provisions elsewhere - for example for the AU Panel of the Wise - where members are selected by the chairperson of the commission after consultation with the member states involved. It is important for these rules to maintain the democratic principle because given the nature of the functions of the committee, there should never arise any perception that a member was appointed through any but democratic means, based on clear criteria.

Rule 6(4)(b) on the communication of names to member states in alphabetical order is adapted from the Statute of the International Court of Justice. This is an important rule. Its rationale is that if the names of candidates were circulated in another order (e.g. non-alphabetical), it may be perceived to express the preferences of COMESA. Yet, because the candidates shall be elected, it is important to remove any such connotation from the manner and style in which the names have been circulated.

The rules for the tenure of the committee of elders are provided for in Rule 7. Rule 7(1) and (2) are based on the guidelines of the COMESA ministers for foreign affairs. The rules for the chairperson of the committee of elders are provided for in Rule 8. Rule 8(1) is adapted from the Statute of the International Court of justice. Rule 8(2) and Rule 8(5)(a) are adapted from the AU Modalities for the Functioning of the Panel of Elders. The principle behind Rule 8(1) is that the chairperson should be appointed by members of the committee. This principle is well enshrined in diplomatic practice, and should be maintained for this committee. The rationale of Rule

8(5)(b) on a member who has acted as chair for longer than six months is to reduce or even remove any problems of political gamesmanship in the functioning of the committee. It is particularly relevant where a chairperson who has acted for a long acting period makes the claim that s(he) is additionally entitled to be elected for their own terms as a committee member. To allow this would be to dilute the principle of rotation, and thereby cause unending conflicts amongst committee members, and the member states from which they come.

The Administrative Basis: Termination of Tenure and Vacancies

The rules on the termination of the tenure of members of the committee are contained in Rule 9. This rule is generally adapted from the AU modalities for the Functioning of the Panel of the Wise. The rationale for Rule 9(2) is that a role for the council has been introduced into the process of terminating a member's tenure, unlike in the AU Panel's case. The rationale is that given the importance of the committee the termination of a member's functions should be seen to have been absolutely above board, otherwise future members may decline to serve if they feel that their tenure might be subject to other than clear legal and diplomatic processes.

The rationale for Rule 9(3)(c) on dismissal from similar appointments in a member state or regional or sub-regional organization, is to obviate situations where a member of the committee loses a fundamental element of their election to the committee – for example by becoming an employee of a member state. It is also intended to obviate situations where a member of the committee who has been relieved of duties for issues of probity continues serving as a member of the committee, in which issues of probity are very much of the essence.

The rules on vacancies in the committee of elders are provided

in Rule 10. Rule 10(1) and (3) are adapted from the Statute of the International Court of Justice. Rule 10(2) is important and useful. Its rationale is that members of the committee are not appointed on the basis of belonging to any state, but on the basis of their personal credentials. Thus, where a committee member's tenure ends for whatever reason, the replacement should be sought on the basis of personal qualifications and competence, not on other more political and politicized bases. Without this rule, the process of replacing members of the committee whose tenure has not expired would become unduly politicized. The rationale for Rule 10(4) is the same as that for the case of a committee member elected to replace a chairperson under Rule 7(5)(b).

Part 2: Standard Operating Procedures

The standard operating procedures for the committee of elders are contained in Rule 11-20. For purposes of their analysis, they can be divided into the following parts: Relationships (Rule 11-14, and 16); Decision Making (Rule 17-18); Outcomes (Rule 15 and 19); and Financial (Rule 20).

Relationships: COMESA, its organs and other institutions

The structure of the relationship between the committee of elders and COMESA is contained in Rule 11. The various parts of this rule are adapted from the rules governing similar committees in other organizations such as the AU Modalities for the Functioning of the Panel of the Wise; and some parts of the rules are derived from other COMESA rules of procedure especially the Rules for Accrediting Civil Society and the Private Sector to the COMESA Programme for Peace and Security. In this context, Rule 11(2)(a) (b) and (d) are

adapted from the AU Modalities for the Functioning of the Panel of the Wise.

Rule 11(1) that requires the committee to report to the different organs of COMESA is an important rule. Without this rule, the committee could reduce the role of the different organs of COMESA by ignoring them, and this could hamper the ability of COMESA to carry out its functions. For the same reason, the committee, while needing to give reports to the higher decision making structures of COMESA should do so in a structured way. Hence the requirement that it should report to the Council through the secretary general (rule 11(1)(a)) and to the Assembly through the Council (rule 11(1)(c)).

The relationship between the committee of elders and other organs of COMESA is contained in Rule 12. This rule, whose rationale is to ensure close collaboration between the committee and organs of COMESA, is an important inclusion. Rule 12(2) on consultation with non-state actors accredited to COMESA responds to the working relationship between COMESA, the civil society, and the private sector, which are accredited to the COMESA programme on peace and security. It is indeed adapted from Rule 5(a) of the Rules for Accrediting Civil Society and the Private Sector to the COMESA Programme for Peace and Security, which is concerned with collaboration in information sharing.

The rationale behind Rule 13 on resource persons and experts is that in the course of its work, the committee will require from time to time to be supported by experts on technical analysis about the situations it is dealing with. The philosophy behind Rule 13(3) is that COMESA should as much as possible source its experts from the COMESA region, on the basis that they are likely to be more knowledgeable especially on conflict and political issues.

The provisions on linkages between the committee and other institutions are contained in Rule 16. These include both state and non-

state institutions. In particular, Rule 16(1)(c) on linkages with non-state institutions is important, given the mandate of the committee of elders and the role it plays. The rationale for this provision is that it is important for the sake of inclusiveness for the committee to maintain linkages with these non-state actors. In the context of the situations that the committee will be involved in (i.e. conflict situations) non-state actors cannot be overlooked as they will often have much to offer. Here especially, the non-state actors relevant for COMESA include civil society, the private sector and parliamentary committees that have been accredited to the COMESA programme on peace and security.

Decision Making: Meetings, Quorum, Voting and Agenda Setting

The rules on the decision making processes for the committee of elders are contained in Rule 17-18. Some of these rules have been adapted from similar committees in other organizations, especially the AU Modalities for the Functioning of the Panel of the Wise. In this respect, Rule 17(1)(a) and (b); 17(2) and (3); and 17(4) and (5) are adapted from the AU Modalities. The rationale for Rule 17(1)(a) which allows the committee to meet as often as circumstances require is provided by the reality that the committee of elders as a group is expected amongst other things to become involved as third parties (such as mediators) in conflict situations in the COMESA region.

The rationale for Rule 17(2) - requiring the committee members to have regular consultations - is that the committee should be engaged at all times in either an advisory capacity or in actually mediating conflicts in the region. If this provision were absent, then it would be possible that in a quiet period, committee members may be elected and complete their tenures without having given any input. The rationale

for Rule 17(3) that requires the meetings of the committee to be held in closed sessions is clear: that the committee may be engaged in discussions of a conflict that are sensitive. Hence there is a clear need for confidentiality of its deliberations. The philosophy and rationale for Rule 17(4) on the location of the meetings of the committee is equally clear. For reasons of good diplomacy, meetings of the committee should generally be held at the COMESA headquarters. However, in conflict situations especially, the committee may need to hold its meetings near the theatre of the conflict.

Rule 18 on quorum, voting and agenda is derived from other COMESA rules of procedure, and generally reflect COMESA's practices of the diplomacy of meetings. The rationale for Rule 18(2) and (3) is quite clear. While the committee will need to attend other meetings of COMESA in the performance of its functions, its presence should not affect the composition of the forum whose meetings it attends. And neither for functional reasons should its members vote in such a meeting. To allow this to happen would gravely alter the whole structure of decision making within COMESA.

Outcomes: Reports, Recommendations and Public Communications

The provisions on the structure of the outcomes of the deliberations of the committee are contained in Rule 15 and 19. These rules have generally been adapted from the AU Modalities for the Functioning of the Panel of the Wise. The rationale for Rule 15(2) is that a rule that allows the committee to submit its recommendations “whenever it considers it appropriate” like in the AU modalities is not a good rule because it gives too much leeway on this important aspect of its functioning. The better option is that the committee should regularly give its recommendations to COMESA, because this is part of the

rationale for having the committee in the first place. Hence the requirement in this rule that the committee gives quarterly reports of its views and recommendations.

The rationale for Rule 15(4) requiring the committee to submit its reports through the secretary general is that a rule such as that existing in the AU Modalities requiring the AU Panel to submit reports to the council or chairperson “as may be appropriate” gives discretion to the panel that is not necessary or useful since it creates too many diplomatic entry points for reporting. This may in turn affect the coordination of affairs in COMESA. Hence the provision of this rule that such reports should be submitted through the secretary general.

The rationale for Rule 15(5) regarding making verbal recommendations to the council is that while it is not normal to make verbal reports, the mandate of the committee requires it to deal with what will often be sensitive issues and situations. This can for example happen in cases of ongoing mediations where confidentiality of the third parties is very much of the essence. In such a situation, a case can be made for what are basically reports about work in progress. A similar rationale exists for Rule 15(6). However, it should be borne in mind that these reports will eventually be part of the written reports that the committee eventually gives of its work to COMESA. Rule 15(7) that requires the implementation of the committee’s recommendations through the normal procedures of COMESA is not strictly necessary. Nevertheless, restating this philosophy in this rule is useful because it reiterates the importance of the work of the committee being conducted through the normal diplomatic procedures and processes of COMESA.

Rule 19 on public communications by the committee of elders is adapted from the AU Modalities for the Functioning of the Panel of the Wise. In the AU Modalities however, the panel may address and make public communications to the public without even consulting

the AU. Rule 19 requires that in doing so, the committee be in consultation with the secretary general. The rationale for this is that the committee's functions and its communication with the public needs to be harmonized and synchronized with those of other relevant organs of COMESA. This is based on the understanding that matters of peace and security, especially conflicts, are very sensitive. In such cases uncoordinated communications could be politically expensive – and explosive.

Part 3: Mediation Guidelines

The rules on the mediation guidelines for the committee of elders are contained in Rule 21-27. These rules can be divided into three broad parts. The part on the philosophy of the mediations conducted by the committee contains rules on the principles of mediation (Rule 21), and on the role of the committee (Rule 22). The part on the process(es) of mediation by the committee contains rules on the conduct of mediation (Rule 23), issues of conflict of interest in conducting mediation (Rule 24); rules on confidentiality (Rule 25); and rules on decision making by the parties (Rule 26). The third part is on ethics and contains rules on ethical standards and rules of conduct (Rule 27). These rules have been adapted from rules of mediation developed over time by various mediation bodies, such as the ADR Resource Handbook, JAMS international mediation rules, and mediation and conciliation rules of the Institute of Arbitrators and Mediators of Australia.

There is some debate about whether bodies such as the committee of elders and similar ones conducting mediation should have any rules detailing how they will engage in that process. One side in this debate argues that mediators of whatever kind must be bound by certain rules of procedure as they engage in mediation. This group sees mediators as playing the role of judges and lawyers in a

typical legal – and legalistic- process. The other side in this debate maintains that mediators like the committee of elders are involved in political processes: that they are engaged in political mediation rather than legal mediation. In that case, their hands should not be tied by detailed rules of procedure that specify what they should do at each stage of the mediation process.

The mediation guidelines for the committee are inspired by this second school of thought. They are informed by the belief that the committee will be involved in highly political processes, and that the mediations they contact will be at their basis political. However, while not providing detailed rules about how the committee will perform its work, it is nevertheless important to have some guidelines that specify the philosophy of their members work as mediators. These rules also provide some guidepost about issues such as ethics and conflicts of interest that should guide the committee as it performs its mediatory tasks.

Philosophy: Principles and Roles

Rule 21 provides the principles that will guide the committee as it engages in mediation. The rule emphasizes that mediation is a peaceful method of managing conflict, and the principles stated underline this fact. Rule 21(1) establishes the goals that the committee seeks to secure. The rationale of Rule 21(2) is that the mediation process has some underlying themes, which also differentiate mediation from other third party roles. The provisions of this rule are all principles of different aspects of mediation or mediation-like processes. Rule 21(3) emphasizes the standing of parties involved in a conflict, in the mediation process. The reason for Rule 21(3)(a) is that what makes the mediation process different from other processes of conflict management is the very idea of the autonomy of the parties.

Autonomy of the parties includes autonomy in the process, the choice of mediator, and in the outcome of the mediation. Rule 22 restates general principles of any mediation process, and hence flags to the committee what its role as mediator is intended to achieve: communication between parties, identification of issues and interests in the conflict, the notion of resolution, and the voluntary nature of the outcomes of the mediation (which emphasizes the parties autonomy).

Processes of Mediation: Conduct, Conflict of Interest, Confidentiality

Rule 23 is very much a companion rule to the earlier one on roles of the committee of elders (rule22). It generally establishes a map of how the roles of the committee as mediators can best be achieved. This is a general provision, and it is not intended to tie the hands of the committee as it conducts mediations.

Rule 24 on conflicts of interest is an important rule. This rule has nothing to do with the conduct of a mediation. It however establishes some warning posts for the committee members when they act as mediators. While the general theme of the rule is that conflicts of interest must render a mediator unable to mediate, it also spells out the relationships that give rise to a conflict of interest (rule 24(2)). The most important of these are the relationship between the mediator and the parties, but also between the mediator and the conflict itself, including its subject matter. The rule also contains the very important provision that the burden of disclosure of a conflict of interest lies with individual committee members, and this imports into this relationship the element of good faith.

The rationale of the rule about confidentiality (rule 25) is that the mediation process cannot proceed properly unless confidentiality is practiced on all sides, but especially from the mediators. Since

the conflicts being mediated and the issues that underlie them are sensitive, their disclosure can easily bring the mediation process to a halt. The rationale for the rule on decision making by the parties (Rule 26) is that in any process of mediation in its political context, the parties are the boss. This aspect of decision making by the parties is also meant to underline the autonomy of the parties. And in a sense, the autonomy of the parties is reflected in their right and ability to make decision during the process with no coercion, threats, or other kinds of pressure. Thus rule 26(c) emphasizes the self-determination of the parties. Self-determination in this context means the autonomy of the parties in the conflict (and hence the mediation).

Ethics: Standards and Rules of Conduct

The provision on ethics (Rule 27) is again a necessary rule. It does not purport to tell the committee members as mediators how to conduct their mediation. However it stipulates the ethical standards and the rules of the conduct of committee members even as they engage in mediation. The ethical standards set out are concerned with confidentiality (rule 27(a)), autonomy and self-determination of the parties especially in decision making (rule 27(b) and (d)), and the ethical standard of honesty and good faith in communications by the mediator during the course of the mediation (rule 27(c)).

Part 4: Final Provisions

The rules on the final provisions of the rules, standard operating procedures and mediation guidelines are contained in Rule 28-31. These are all standard rules and reflect the practices and procedures of COMESA.

Book Review

The Rise and Fall of Empires: A Review Essay

Anita Kiamba*

The Rise and Fall of Civilisations by Evan D. G. Fraser and Andrew Rimas, London: Arrow Books, 2011 pp. xiii+302 ISBN 9780099534723

Day of the Empire: How Hyperpowers Rise to Global Dominance-and why they fall by Amy Chua, New York: Anchor Books, 2007 pp. xxxiv+396 ISBN 9781400077410

The two books engage in the discourse of power politics. They both acknowledge that empires and civilisations have emerged, only to collapse and give way to the emergence of even stronger empires which it is assumed have learnt the reasons why their predecessors declined. Although the hegemonic theme is apparent in both books, they differ in substantive approaches to imperialism. *Empires of Food: Feast, Famine and the Rise and Fall of Civilisations* main argument is that empires emergence and decline is as a result of food. While *Day of the Empire: How hyperpowers rise to global dominance-and why they fall* main argument is that the emergence and the decline of empires is based on tolerance - cultural tolerance. Both books use a historical

* Lecturer, Institute of Diplomacy and International Studies, University of Nairobi

and common sense approach to analyse the decline and emergence of empires. And in eurocentric fashion the books go on to discuss the major, if not most powerful empires that have existed in Europe, Asia and the Middle East with the exclusion of those in Africa. However, they offer an understanding of what makes empires emerge and finally decline. They also offer guidance and solutions to empires that are emerging; nations that want to become empires and empires that need to maintain the status quo and avoid descent. Although *Day of the Empire* clearly demonstrates how empires grow and fall, its focus from the beginning is on the United States of America. While, *Empires of Food* is more useful especially to developing countries whose major issues include food insecurity. It therefore addresses a major if not fundamental issue of how nations can achieve food security and in turn achieve dominance in the international system. It makes more sense for one in a nation that has not achieved food security to read the book. It actually goes on to offer a glimmer of hope for developing nations by addressing the concerns of the emerging powers then and now. It subsequently calls for an historical assessment of for instance, African empires and civilisations. Unlike, Chua's *Day of the Empire* which addresses epochs of empires in certain regions, *Empires of Food* underscores the importance national survival and national culture which as opposed to multicultural nations is the major obstacle in imperialism and ultimately the major factor leading to the decline of empires. It for certain reasons focuses on how climate change influences food production, consumption and trade and how this in turn influences the emergence and decline of the empire.

In order to maintain consistent arguments the review essay begins by reviewing the works of Fraser and Rimas, then Chua. In recent decades the world has experienced climate change. These changes have been at the centre of discussions in international and regional fora. The changes have been attributed to a number of events

including the depletion of the ozone layer due to the ever increasing carbon emissions into the environment especially by the more industrialised nations. In a way, climate change has been attributed to the decline in food production and the increase in prices of food worldwide. Nations have consequently, developed an urgency of dealing with the agenda of climate change and its consequent effects. Although the agenda is recent, most African nations have had to deal with food insecurity for a long time. Unfortunately changes in climate have further compounded the ability to achieve food security in the continent. With the identified vulnerabilities towards nations, there has at the same time been a paradigm shift of identifying and dealing with myopic vulnerabilities and threats to the state, towards dealing with broader threats to humanity. Thus, the lack of food or its steady supply is ultimately considered a risk to the survival of a nation.

The book reviewed offers substantial insight into why food security or the access to food is vital to the sustenance and survival of nations. In *Empires of Food* Fraser and Rimas focus on how great civilisations have emerged from historical empires and how contemporary nations have securitised and prioritised access food; they also focus on how the once great empires and post 1648 states have declined through food insecurity. In a way, Fraser and Rimas provide Africa with a blue print for achieving food security and also advise how to avoid getting into the food ‘trap’ that has befallen great polities like the Roman and British empires.

The book which is devoted to the politics of food, also captures the essence of food economics by tracing when international trade and the birth of politicised economy (of food) begun. In order to capture this, Fraser and Rimas examine trade in food from the 17th century to the 21st century. This historical analysis is important given that the 17th century is considered to be a milestone in politics because of the emergence of the Westphalian state; and the internationalisation

of trade in economics. The analytical approach is suitable given that the emergence of the state was in the least premised on having a population and territory. Scholars later identified key attributes of the population as quality and quantity, both of which are dependent on access to food. And in the age of acquired territories which were at the mercy of the climate, trading offered and continues to offer nations with sources and access to food. Fraser and Ramas point out that in cases where nations do not have that access to food, starvation and riots take place. While they do not undertake an in depth analysis of this, the effects can be disastrous, in that the nations' survival is compromised. Consequently, starvation can lead to the decimation of populations or to the stunted physiological and mental development of children. In addition, food riots can escalate and destabilise the nation.

In order to portray the events from the 17th -21st centuries, Fraser and Ramis employ the memoirs of Fransesco Carletti, an international food trader who in the 17th century wrote about the origins of the food empire. His works were experiences from travels around the world which included travels from China, through to Africa and onto Europe and the America. Fraser and Ramis use Carletti's depiction of rising empires' staple diets and agricultural practices to postulate the rise of empires after the 17th century and beyond. They note that the decline of the British empire was not due to famine, drought or climate change, but rather to new tastes. Due to a growing aristocratic class and innovation in lighting, the waking hours were lengthened and evening meals were further apart. High tea became the new taste for the upper classes. In order to sustain this social past time, lands were conquered and tea was planted. The authors however fail to take note that the world has not witnessed the emergence of another food empire since the decline of the British imperial power in the late 19th century. They nevertheless make up

for this gap by analysing the reasons giving rise to world famine. Indeed, the most significant contribution made by the book is what countries need to do to have food security. And since not all countries are interested in becoming empires, they are at least interested in ensuring that their nation has access to food. We are reminded by international initiatives like the millenium development goals of the need to achieve this universal basic right. In addition, the paradigm shift in security studies has emphasised a human centred approach to security - rather than a state centred one - in which access to food is important. Fraser and Ramis also remind us of the importance of using historical lessons to understand modern events like famine and climate change which they argue have been cyclical and are in no way a new phenomena.

The book which is divided into three parts begins by examining the rationale behind food pricing; the rising price of food and finally examines how the world has historically been organised and in the same breadth disorganised by world powers who continue to distort food production because of their growing demands. Fraser and Ramis are convinced that food empires lead to civilisation and urbanisation. For scholars in international studies, this portends trouble for Africa. We could immediately say that food insecurity in Africa is going to create a lag in civilisation and urbanisation. Indeed, it is more worrying because of Samuel Huntington's predicted *Clash of Civilisations* in which civilisations from Africa do not feature much. Given Fraser and Ramis' impression about the emergence and decline of food empires, Africa will remain in its position in the hierarchical order because of its inability to have food security. According to Fraser and Rimas, there are at least three interdependent conditions which must be present at the very least for a food empire to emerge. These three conditions, if not sustained can also lead to the decline of the empire. These include surplus food production, storage and trade. Although

quite simple, the conditions are yet to be met in a number of African nations. In the rural areas which are less densely populated, a majority of food production is for subsistence due to a number of reasons. First are the arid and semi arid conditions and the reliance on rain fed harvest which at best is seasonal. Secondly, the cultural practises of the communities usually influence agricultural practise and diet. Third, the lack of subsidies and lack of capital makes it difficult to convince would-be farmers to produce in surplus. Next, is storage. Although most African communities have indigenous methods of storing harvest, most food that is harvested gets destroyed due to improper storage methods or their lack. Fraser and Rimas identify Malawi's bumper harvest as a case in point. Kenya's bountiful harvest between 2010 and 2011 was wasted. The farmers could not sell their surplus products of maize and milk to the government and to private processing cooperatives because the silos were full. Consequently, the products went to waste. Two outstanding issues emerge: the inability of the governments and the private processing cooperatives' to increase their capacity to handle surplus, and the inability of the farmers to process their products. Lastly, is the access to markets. At the local level, markets have been inaccessible due to infrastructural decay, while at the international level, prohibitive regulations from the World Trade Organisation and competition from other nations affects the overall performance of nations trading in food. Accordingly, the interdependence of economy, food and agriculture are important for a food empire to emerge. While Fraser and Ramis explain how these conditions are important and even go ahead to blame the underperformance of agricultural production in Africa on international organisations like the International Monetary Fund and the Food and Agriculture Organisation, they fail to examine how having similar crops has curtailed the performance and also how staple diets consisting especially of maize and yam starch makes diversification

and acceptance of alternative sources of food challenging. The book continues to remind us that food empires decline because of over using arable land, climate change and specialisation of production. They also note that in Africa, receiving un-sound advice from the International Monetary Fund, corruption and mismanagement has led to food insecurity. Fraser and Ramis advice nations to harvest water, attach importance to the quality of fertilizer used and process food where it is grown rather than trade it in its raw form. This according to Fraser and Ramis provide nations with the freedom to process it in several forms.

Empires of Food: Feast, Famine and the Rise and Fall of Civilisations focus on food, food empires and contemporary international events like climate change is confusing as is the structure of the book. The analysis of ancient occidental, oriental, American civilisations and modern nations makes the book perplexing and even more vexing to those without a background in the history of international relations. It also fails to indentify and analyse African civilisations and empires whose decline is attributed to a number of events among them colonisation and the international division of labour. The book also fails to identify whether the contemporary international system has had a food empire or if there are currently any emerging food empires and also if, as postulated by Huntington, there will be a clash of food empires and civilisations. Besides, it would be difficult to understand the underlying arguments without a basic understanding of the epistemological basis of international political economy. While Fraser and Ramis interpret the signs of climate change, increased food prices and food insecurity in the form of starvation as consistent with the rise and fall of civilisations, they provide nations, potential empires and civilisations and analysts with a survival guide. Their interpretation is that food empires just like climate patterns are cyclical and unavoidable and unless nations devise

strategies they will be subjected to the adverse effects. Nevertheless, Fraser and Ramis show that economics, agriculture and trade are the key to food security and to creating empires of food.

Chua's approach to study empires is confined to the cultural factors that create the conditions for the emergence and unfortunately, the decline of empires. *Day of the Empire* examines the cultural factors consistent with the rise of imperial powers and also identifies some of the salient features that contribute to the fall of empires. According to Chua, imperial powers have cultures that are formidable but are at the same time a contributing factor in their demise. The book details how culture has been used by empires to assimilate other nations and gain acceptance while reducing the wrath of nations. She however observes and cautions that culture can create more tension especially for those being assimilated. She also points out that the assimilators can become impatient and intolerable to those unwilling to culturally assimilate. To enrich the argument, she examines Samuel Huntington's *Who are we? The Challenges to America's National Identity*

The book which is divided into three parts begins by identifying which empires emerged during the pre- historical ages. This era which is synonymous with barbarism and the dark ages witnessed the emergence of the first imperial power or hegemon. Part one, also tries to conceptually define some of the concepts that are used in the book. Part two, identifies some medieval empires in Europe and Asia. It also examines how the expansionism of Christianity in Europe influenced the decline and emergence of certain empires. This part of the book examines Spain, the Dutch and oriental empires such as the Ottoman, Ming and Mughal empires. It also identifies and explains the emergence and decline of the British empire. Lastly, part three is dedicated to contemporary and future empires. This part examines the American empires and its threats. Which incidentally could be emerging empires.

Unlike *Empires of Food* which oscillated between memoirs and modern observations, Chua's book takes the reader through a systematic and chronological analysis of the emergence of empires and their decline. All the while she maintains the argument of cultural tolerance and intolerance as the factor contributing to the emergence and decline of empires respectively. Her demonstration of this makes the book easy to understand. However just like Fraser and Rimas whose historical analysis is inundating, Chua makes it more appealing through clarity. She however, just like Fraser and Rimas, relies on mythology especially while analysing the Greek and Roman empires. And while mythology is pertinent in Greek history, it does not provide the readers with an actual and factual account of how the Greco Roman Empire emerged and declined.

Even though *Day of the Empire* is easy to read and captivates the minds of its readers in factual knowledge Chua unfortunately seems to bite off more than she can chew in the introduction. While she tries to conceptually define terms that will be consistently used in the book, she ends up confusing the reader. For instance, she is justified in defining the main concepts of empire and hyperpower and how they are inter related because these are themes in her book. The book defines hyperpower based on the French description of America's hegemonic posture in the last two decades. The definition describes a hyperpower as a hegemon with political unipolarity, including economic, military and technological prowess. In short, the contemporary hyperpower is the United States of America (USA). She however, is quick to note that the USA is no longer a hyperpower because it does not lead in all the areas indicated, furthermore China, the European Union and India are emerging to challenge the hyperpower of the USA. Based on this historical discourse, she predicts that the USA will decline, it may just be a matter of time.

She however, loses readers because first, the definition is

premised on USA then generalised to empires before. Second, she does not define what an empire is and how the concept of hyperpower should be used in the place of empire. Third, she further declares that the book is about hyperpowers, not great powers or superpowers without elaborating on the latter two concepts. Indeed, because the major part of the title is about *empires*, Chua, should have a conceptual definition while also defining the conditions of a modern empire, so that readers have the ability to know if indeed there has been another empire since the Ottomans and British. Of course part of the problem would be how to include epistemological and ontological references of the maturity of political units while also falsifying the pre-existence and par existence of empires or hyperpowers in her case. Chua realises this, and saves the reader and herself from a conceptual quagmire by considering the term nation or empire as a world dominant power which is more powerful than rivals; is more economically and militarily powerful, and projects power beyond local and regional into the international domain. Unfortunately, the conceptual definition is premised on the presence of a rival. This argument not only is flawed because it excludes empires without rivals and in addition are strong, but is also because it does not clearly explain projection of power which in any case can be relative. Before proceeding into part one and subsequent parts of the book, Chua identifies tolerance as the key to becoming hyperpower. Tolerance includes attraction to immigrants for labour, other skills and technological invention. The brief but complex and inconsistent conceptual examination may be used as a guideline to identify emerging empires, although it makes the reading more laborious. Parts one and two of *Day of the Empire* is well written, in that it captures the essence of the empires by identifying how they became tolerant and how they used this to their advantage. It also explains that the decline of the empires is attributed to limiting the amount of cultural contact. Chua goes on to explain in part three, that

the American imperial challengers like China, India and the European Union need to understand that they may not achieve that status if they are not multicultural and open to immigration. She however cautions empires in the waiting to foster national unity and a sense of belonging otherwise the switch of allegiance can be detrimental to the survival of the empire. The book concludes by identifying opportunities for America. Although the book is interesting, it is more geared towards building the argument that America is an empire and that others like China, India and the European Union are not close enough to become empires given the increase of intolerance especially of immigrants. *Empires of Food: Feast, Famine and the Rise and Fall of Civilisations* and *Day of the Empire: How hyperpowers rise to global dominance - and why they fall* are timely in that they capture the discourse on imperial domination amid dynamism in the international system. They also point out that becoming an empire relies on food security and multiculturalism.