



## **Policy: Issues and Actors**

Vol 17 no 4

### **Emerging security architecture in Africa**

Dr Musifiky Mwanasali <sup>1</sup>

**Centre for Policy Studies**

Johannesburg

February 2004

**This paper forms part of the research sponsored by the Ford Special Initiative for Africa, to whom we are grateful for their generous support**

---

<sup>1</sup> Regional Adviser for Democracy, United Nations Subregional Centre for Human Rights and Democracy in Central Africa, Yaounde, Cameroon. The author wishes to thank Gloria Renee Ntegeye and the staff of the Centre for Policy Studies for their sharp editing of this text. All views expressed herein are his and do not represent the views of the United Nations or the AU.

The Centre for Policy Studies is an independent research institution,  
incorporated as an association not for gain under Section 21 of the  
Companies Act.

Centre for Policy Studies  
1st Floor  
9 Wellington Road  
Parktown  
Johannesburg, South Africa

P O Box 16488  
Doornfontein 2028  
Johannesburg, South Africa

Tel (011) 642-9820  
Fax (011) 643-4654  
e-mail: [portia@cps.org.za](mailto:portia@cps.org.za)

[www.cps.org.za](http://www.cps.org.za)

ISBN 1-919708-72-3

## TABLE OF CONTENTS

1. BACKGROUND	1
2. IN SEARCH OF HUMAN SECURITY	3
3. SECURITY THREATS IN AFRICA	5
4. AFRICAN SOLUTIONS TO AFRICAN PROBLEMS	7
5. THE PEACE AND SECURITY COUNCIL OF THE AU	12
6. OAU CONVENTION ON TERRORISM	18
7. HIV/AIDS	20
8. EMERGING SECURITY ARCHITECTURE: CHALLENGES AND OPPORTUNITIES	22

**LIST OF ABBREVIATIONS**

APRM	African Peer Review Mechanism
AU	African Union
CSSDCA	Conference on Security, Stability, Development and Cooperation
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
NEPAD	New Partnership for Africa's Development
OAU	Organization of African Unity
PSC	Peace and Security Council of the African Union
SADC	Southern African Development Community
UN	United Nations
UNAIDS	The Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme

## 1. BACKGROUND

The 1990s was an historic decade on the African continent in many respects. A new breed of leaders came to power, largely through military coups and liberation wars. They seemed determined to do away with the business-as-usual mode of African politics in a drive to find solutions to African problems. A landmark declaration adopted in 1990 reflected the realization by the continent's rulers that major changes taking place in the world should guide Africa's collective thinking about the challenges and options ahead, in view of the real threat of marginalisation of the continent in the globalisation processes.<sup>2</sup> Those changes included the collapse of communist regimes in Eastern Europe, the changing East-West relations from confrontational to cooperational, the steady move towards the strengthening of the European Union, the increasing global trends towards regional integration, and the advances in science and technology.

In the past, African rulers have, on several occasions, committed themselves to the revival of the continent and the laying of a solid foundation for self-reliant, human centred and sustainable development. This development on the basis of social justice and collective self-reliance through, *inter alia*, economic cooperation and regional integration. Aware that the promotion of popular participation in the process of government and development was necessary to facilitate integration and cooperation, they undertook, in 1990, to institute a political environment which guaranteed human rights and the observance of the rule of law, and which also would ensure high standards of probity and accountability, particularly by the holders of public office. Democratisation became a continental priority, as did the consolidation of democratic institutions and the institution of popular-based political processes that would involve all citizens (particularly women and the youth) in development efforts.

However, African heads of state and government soon realized that no single internal factor had contributed more to socio-economic decline on the continent and the suffering of civilians than the scourge of armed conflicts within and among states. In this regard, they renewed their determination to work together towards the peaceful and speedy resolution of all the conflicts on the continent, as peace would, in their view, lead to political stability and the reduction of expenditure on defence and weapons. This, in turn, would attract foreign investments and release additional resources at the national level for socio-economic development. Finally, commitments were made to take up the multifaceted challenges that confronted the continent and its people in light of the social, economic and political changes occurring in the world.

Determined to act collectively within the framework of the Organization of African Unity (OAU), African rulers endeavoured to rationalize the existing regional economic communities

---

<sup>2</sup> Organization of African Unity. Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes taking Place in the World. 26<sup>th</sup> Ordinary Session of the Assembly of heads of State and Government. Addis Ababa, Ethiopia, 9 - 11 July 1990.

and increase their efficiency. New treaties were adopted, other specialized groupings were created within the framework of the OAU, and resources mobilized to ensure that once and for all, Africa could take care of itself. A wide range of initiatives were also launched at the continental and regional levels, with a view to defining a common defence policy and laying out a common continental framework in the field of peace and security, stability, development and cooperation. Non-aggression or mutual defence and assistance pacts were signed at the regional level, and efforts were undertaken by the OAU/African Union (AU) and nearly all its constitutive regional organisations to develop and/or enhance African capacities in dealing effectively with security threats.

Daniel L Nelson defines security as the (imprecise to quantify) ratio of threats to capacities.<sup>3</sup> He asserts that “when threats exceed capacities, and the ratio is larger than 1.00, one can expect, at any level of analysis; suspicion, vulnerability, turmoil, indecision, dissolution and evasion. When capacities exceed threats, and the ratio is less than 1.00, the inverse can be expected; ie aggressiveness, authoritarianism, elitism, autarky, confrontation and abuse.” For Nelson, “security lies at the intersection of threats and capacities. From nations...down to states and individuals, equilibrium between threats and capacities offers the potential of peace and security. When threats exceed the capacities of states, they become inviting victims of those with greater capacities; when capacities exceed threats, a ‘classic security dilemma’ ensues, wherein states will seek to bolster their defences or form alliances to deter the strong”. One of Nelson’s main contentions is that the degrees to which individuals, groups or communities confront these dangerous conditions “and the immediacy with which these and other perilous conditions are perceived both contribute to insecurity unless they can be abated or capacities enlarged, to achieve balance”. Balancing threats and capacities is therefore central to the maintenance of security, and this cannot be achieved without states.

This study aims to initiate a reflection on the emerging security architecture in Africa. It seeks to identify the security threats facing the African continent and the initiatives devised by the defunct OAU and its successor, the African Union (AU) to increase African capacities to meet these threats and develop a security community capable of tackling Africa’s challenges in the fields of peace, security and political stability. It is organized as follows. Section 2 situates the AU’s concept of security within the broad framework of human security. Section 3 surveys some of the factors that contribute to insecurity in Africa. Section 4 highlights African solutions to these threats and provides some clarity on why they are considered as security threats. Emphasis in this section is on the key recurrent themes in all OAU/AU policy decisions, namely conflict prevention, good neighbourliness and greater African unity. Sections 5, 6 and 7 dwell, for illustration purposes, on security benchmarks in three areas: peace and security, terrorism and HIV/AIDS. The study concludes in Section 8

---

<sup>3</sup> Nelson DL. ‘Threats and Capacities: Great Powers and Global Insecurity’. In *World Security. Challenges for a New Century*. (3<sup>rd</sup> edition) New York: St. Martin’s Press, 1998: 36-58. In this and the following paragraphs, I quote Nelson more or less verbatim.

with a broader discussion on the meaning and the reality of the AU as a security community. It also suggests the direction that further reflections on the emerging security architecture in Africa ought to take.

## 2. IN SEARCH OF HUMAN SECURITY

Although they do not mention it explicitly, the ongoing initiatives at the AU to develop a continental security architecture reflect the meaning of security embedded in the notion of human security,<sup>4</sup> as they can be seen as an effort to broaden this concept beyond its traditional preoccupation with armed conflicts and military matters by including considerations such as protection against the threat of HIV/AIDS and other transmittable diseases, political stability and development.

The 1992 United Nations Development Programme (UNDP) Human Development Report defines human security as, “first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life - whether in homes, in jobs or in communities.” It affirms that the concern for human security is universal because the latter “is relevant to people everywhere, in rich nations and poor”, and that its many threats are common to all people despite differences in intensity. It sees the components of human security as interdependent in that, as we have seen with the HIV/AIDS pandemic or international terrorism, threats to the security of people anywhere in the world are likely to affect all nations.

For its proponents, human security is easier and far less costly to ensure through early prevention than later intervention. Furthermore, human security is said to be people centred, as it is “concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities - and whether they live in conflict or peace”. Finally, human security is defined as an integrative concept embedded in a notion of solidarity among people. In this regard, it cannot be brought about by the use or threat of force. For the proponents of this notion, the traditional concept of security “must change urgently in two basic ways: from an exclusive stress on territorial security to a much greater stress on people’s security; [and] from security through armaments to security through sustainable human development”.

There are several sources of human insecurity, including economic, food, environmental, personal, community and political security. There are also other challenges of a global nature, which arise when “threats within countries rapidly spill beyond national frontiers”, or when disparities within countries force millions to seek a better life across or beyond national frontiers, whether the receiving countries want them or not. However, for the UNDP report, the greatest threat of all resides in the failure to achieve human

---

<sup>4</sup> United Nations Development Programme (UNDP). Human Development Report. <http://hdr.undp.org/en/chap2> 1992: 23-24.

development. The reason for this is that “failed or limited human development leads to a backlog of human deprivation - poverty, hunger, disease or persisting disparities between ethnic communities or regions. This backlog in access to power and economic opportunities can lead to violence”.

The new thinking on security at the AU apprehends the concept in a similar integrative, ‘holistic’ manner. However, the AU has not fully embraced human security, mainly because of the premium it has put on the preservation of national sovereignty and the territorial integrity of its member states, even while seeking to promote the well being of African people. It is worth noting that the Constitutive Act of the AU opens with the sentence “We, Heads of State and Government”, and defines as its objectives the defence of “the sovereignty, territorial integrity and independence of its member states” as well as the respect of national boundaries inherited at the time of independence. The New Partnership for Africa’s Development (NEPAD), which was initially conceived as a socio-economic programme of the AU, is another case in point. Soon after its launch, it was fitted with a peace and security sub-commission, thus reflecting the widely used saying that there cannot be peace without development, nor development without peace. Another example is the Conference on Security, Stability, Development and Cooperation (CSSDCA), an AU overarching framework aimed at promoting all that is included in its acronym. Its solemn declaration, adopted in Lome, Togo, in July 2000, is written in a language fairly consistent with the human security approach.<sup>5</sup>

It can be said that the search for ‘human security’ in Africa predates the launch of the 1992 UNDP report. Seizing the opportunity offered by the fall of the Berlin Wall two years earlier, the collapse of communism in Eastern Europe and the end of the Cold War, the OAU Secretary General, Mr. Salim Ahmed Salim issued, in July 1990, a report to the 26<sup>th</sup> ordinary session of the assembly of heads of state and government on the political and economic situation and the fundamental changes occurring in the world.<sup>6</sup> Subsequently, the OAU Summit in Addis Ababa took a critical review of the issues raised in that report and eventually adopted a declaration bearing the same title.

The declaration, though crafted in the usual OAU language, was a landmark act in that, for the first time in the history of the continental organization, African rulers admitted that they had failed to meet the legitimate aspirations of their people or lay a firm foundation for self-sustained development despite their many endeavours and commitments towards collective self-reliance and sustainable development. They acknowledged that:

throughout the decade of the 1980s most of [Africa’s] productive and infrastructural facilities continued to deteriorate...There has been a sharp decline in the quality of life ...as spending on public health, housing and education and other social services had to be severely curtailed...As a

---

<sup>5</sup> Organization of African Unity. CSSDCA Solemn Declaration. 36<sup>th</sup> ordinary session of the Assembly of Heads of State and Government. (AHG/Decl.4 (XXXVI) Lome, Togo, July 2002.

<sup>6</sup> Organization of African Unity. Report of the Secretary General to the 26<sup>th</sup> Ordinary Session of the Assembly of the Heads of State and Government on Fundamental Changes Taking Place in the World and their implications for Africa: Proposals for an African Response. Addis Ababa, 9 July 1990.

result of this combination of acute problems and external indebtedness, the number of African [countries] classified as least developed rose from 21 to 28 during the same period.

African rulers maintained that they had made serious efforts to cope with the most adverse consequences of Africa's predicament, notably through what they termed short-term structural adjustment measures, but they were alarmed that, in addition to these economic and financial problems, they were increasingly subjected to "conditionalities of a political nature". Their response was a reaffirmation of their conviction that "Africa's development is the responsibility of [Africa's] governments and peoples," and that they were "now more involved [than ever] before [and] determined to lay a solid foundation for self-reliant, human centred and sustainable development on the basis of social justice and transformation of their economies."

It is worth noting that at the time these commitments were made, African countries were for the most part still ruled by single-party and authoritarian regimes. When the 1990 declaration was adopted, nearly all African rulers were facing (and sometimes resisting) mounting domestic demands for political liberalization. Political riots were common all over the continent, and only few had engaged in what came to be known, at least in French-speaking Africa, as '*conférence nationale souveraine*' or national sovereign conference. Initially conceived as a simple administrative arm of its founders, it was particularly significant that the OAU would pass such a declaration at that particular time.

Emboldened by the revived impetus for a 'second independence', and with the encouragement and support of a small group of change-oriented member states, the OAU adopted in the 1990s several decisions and declarations that could have had a far-reaching impact on the continent's future. Unfortunately, failure to implement them contributed significantly to the deterioration of the peace and security environment.

### **3. SECURITY THREATS IN AFRICA**

Like its predecessor, the AU is a union of member states both in its composition, constitutive principles (equal sovereignty), and the manner in which it is set to operate. As a result, the organization has developed a natural reflex for a minimalist, 'lowest common denominator' approach that consecrates consensus as the main *modus operandi* and avoids politically controversial issues. Consensus enabled the OAU to survive severe ideological clashes among its members throughout the 1970s and 1980s. However, by discouraging creativity and stifling innovation it may, in the long run, constitute a serious hindrance to the effective implementation of AU's bold mandate to intervene with member states in the event of genocide or crime against humanity.

It is generally agreed that the majority of AU member states suffer from a weakness of state institutions, lack of socio-political cohesion, absence of consensus on the nature and exercise of state power, and the tendency of some rulers to extend indefinitely their hold on

power. Furthermore, many member states are fundamentally incapable of ensuring a decent life for their citizens, guaranteeing minimal conditions of law and order within their borders, or protecting the population against epidemics and natural disasters.

The legacy of more than two decades of political mistakes and ill-conceived liberalization policies is also visible. By and large, competition for scarce resources has aggravated corruption and income inequality, alienated large segments of the population from the state and its incumbents, and generated severe communal tensions. As a result, political violence, putsches, insurgency and 'armed struggle' by individuals or groups that feel marginalized or excluded from the political and economic processes, has regained prominence as the preferred mode of expressing grievances, demanding reparation or equitable representation, or even transforming a seemingly unjust and irresponsible political order.

Looked at from the perspective of the classical meaning of security, ie the capacity to threaten, use, and control military force to secure continued existence and deter or overwhelm the capabilities of enemies, most AU members are unable to meet this requirement, as they are stuck with bloated high-ranking officers and unfed, unpaid and demoralized troops. In reality, most African countries have armies that are so utterly incapable of fending off the smallest threat to national security that member states have to resort to hiring foreign mercenaries to fend off military threats against their very existence, in flagrant violation of the 1977 OAU Convention for the elimination of mercenarism in Africa.<sup>7</sup>

The proliferation and easy availability of small arms and light weapons, and the spread of landmines constitute another source of human insecurity in Africa. Landmines maim innocent civilians and destroy a country's manpower and agricultural productivity. Small arms and light weapons are a major source of insecurity because they create or sustain a climate propitious to crime and violence. Furthermore, it has been established that rebellions and insurgencies are fuelled by the proliferation of small arms and light weapons, and that civilian populations are by far the greatest victims of violence.

After much initial denial, African rulers have now accepted that the scourge of HIV/AIDS is a major source of human insecurity in the continent. According to The Joint United Nations Programme on HIV/AIDS (UNAIDS) 2002 report, there are 42 million HIV positive people worldwide. Five million have contracted the virus in 2002, and 3 million died of AIDS last year. In Africa, by far the world's most affected region according to UNAIDS, 29,4 million people live with the HIV/AIDS virus. In 2002, the continent had approximately 3,5 million newly infected people. UNAIDS estimates that 10 million youth aged between 15 and 24, and

---

<sup>7</sup> This Convention is aimed at eliminating mercenarism and overcoming the threat they represented to national sovereignty, independence and territorial integrity, as well as 'harmonious development' of OAU member states. It was signed and adopted in Libreville, Gabon, on 3 July 1977, and came into force on 22 April 1985. At present, 22 countries (including Liberia) have signed and ratified or acceded to it, whereas 31 (including Côte d'Ivoire, Sierra Leone, South Africa and the Comoros) have not acceded to it.

nearly 3 million children less than 15 years old are infected with the virus in Africa. According to UNAIDS, only a tiny fraction of the millions of Africans infected with HIV/AIDS receive antiretroviral treatment, and millions among them are deprived of the basic medical attention against opportunistic diseases associated with the AIDS syndrome.<sup>8</sup>

Natural disasters have also become cause for serious concern for the AU. In the last decade, whole regions and towns in Botswana, Madagascar, Malawi, Mozambique and Zimbabwe have suffered from severe drought and recurrent floods. Additionally, countries in eastern, southern and the Horn of Africa have experienced a plight of recurrent drought that has increased food insecurity for the majority of the population. According to estimates presented by their respective governments, more than 16 million Ethiopians and half the Eritrean population were severely affected by the latest drought in the region.

In and by themselves, these factors may not constitute security threats in the traditional meaning of the term. For the African continent, however, they do constitute at once threats and a security threat, for a number of reasons. Security, in this case, is conceived of as a matter of existential survival of the state, its citizenry and, in the case of HIV/AIDS, Africa as a whole.<sup>9</sup> Using a wider definition of security, Buzan, Waeber and de Wilde consider that an issue is a security issue when “[it] is presented as posing an existential threat to a designated referent object (traditionally, but not necessarily, the state, incorporating government, territory and society)” and, owing to its special nature, “justifies the use of extraordinary measures to handle them”. For the AU, small arms, the HIV/AIDS pandemic or natural disasters threaten the existential survival of African states and people because of the incapacity of African countries to meet them effectively.

Nelson claims that “states are no longer what they used to be”, because the Eastonian essence of politics (ie the authoritative allocation of values and resources) is less and less vested in state institutions and increasingly performed by trans national corporations, international financial institutions, worldwide crime syndicates, global media and “a stratum of advocacy-focused nongovernmental organisations”. He argues that state institutions continue to operate with less efficiency, while fewer resources and have rendered them less and less effective in dealing with threats both domestically and globally.<sup>10</sup>

#### 4. AFRICAN SOLUTIONS TO AFRICAN PROBLEMS

Nelson’s emphasis on the need to balance capacity and threat is highly relevant to Africa. On the continent, state capacities have decreased nearly everywhere as state institutions

---

<sup>8</sup> UNAIDS/WHO. *AIDS Epidemic Update: December 2002*. UNAIDS translation (French version ONUSIDA/02.46F) 16.

<sup>9</sup> Buzan B, Waeber O, de Wilde J. *Security: A New Framework*. Boulder, Colorado: Lynne Rienner Publishers, 1998: 21.

<sup>10</sup> Nelson 37. In this and the following paragraphs, I quote Nelson more or less verbatim.

continue to operate with less and less efficiency, fewer resources and growing contention over their legitimacy. It is therefore not surprising that embattled regimes resort increasingly to the armies of their former colonizers or foreign mercenaries to guarantee their survival. The Marcoussis (France) political negotiations on the crisis in Côte d'Ivoire, the involvement of British troops in enforcing the truce in Sierra Leone, or the insistent call by the deposed President Ange-Félix Patasse of the Central-African Republic for France to deploy troops in his country to secure its borders with Chad (and protect his embattled regime), dealt a severe blow to the advocacy of South Africa's President Thabo Mbeki for self-reliance in Africa and the promotion of African solutions to African problems.

In a *Jeune Afrique l'Intelligent* editorial dated 31 January 2003, Bechir Ben Yahmed best summarizes this point when he writes,

Numerous are the Africans and the Ivoirians who have felt humiliated by the form taken by the Marcoussis and Paris agreements on Côte d'Ivoire, sponsored by the former colonial power which conceived, organized and paid for the entire process. The country of Houphouët (Boigny, the father of Côte d'Ivoire's independence and its first president until his death in 1993), which has become the sick of West Africa, has been compelled to hold its 'national conference' in France under the chairmanship of a French constitutional lawyer while it was occupied militarily. It came out of it on crutches: a 'protectorate' of France and the international community (who went as far as to influence the outcome and the appointment of the Prime Minister).<sup>11</sup>

Who's to blame, Béchir Ben Yahmed asked rhetorically, "if not the heirs of Houphouët, whose unending dispute has led the country to dislocation, and West African leaders who demonstrated their incapacity, in the absence of France, to find a remedy to the Ivoirian illness whose impact they feel nationally?"<sup>12</sup> Deplorable as it might be for Africans and Ivoirians, this situation is the result of what President Abdoulaye Wade of Senegal, Economic Community of West African States (ECOWAS) chairman at the time of the Ivorian crisis, attributed to the lack of maturity and organization on the part of the AU and, he should have added, a lack of capacities on the part of AU member states.<sup>13</sup>

Yet blueprints for regional security cooperation exist, and they have been agreed upon. Decisions, solemn declarations, conventions with specific benchmarks, targets and deadlines, are plentiful in the AU policy archives, mostly developed during the 1990s. These present a clear vision of the continent in the field of peace and security. Three key themes run through these blueprints.

---

<sup>11</sup> Ben Yahmed B. 'Désaccords de paix (Ce que je crois)' *Jeune Afrique/l'Intelligent* 2 - 8 February 2003; 2195: 4.

<sup>12</sup> Ben Yahmed 4.

<sup>13</sup> Statement made by the Senegalese President in Paris during an interview broadcast by Radio France International at the end of the summit on Côte d'Ivoire, at Center Kleber in Paris, on Saturday 25 January 2003.

#### 4.1 Conflict Prevention

*The Cairo Declaration* of June 1993, which established a mechanism for conflict prevention, management and resolution within the OAU, is sufficiently well known to warrant extensive discussion. The draft declaration was the outcome of intense deliberations, lively debate and serious disagreements among OAU member states, particularly on the issue of African capacity for peace support operations. Eventually, a compromise was reached to remove this aspect from the mandate of the Mechanism and emphasize instead, the anticipation and prevention of conflicts on the understanding that “anticipatory and concerted action in peace-making and peace-building will obviate the need to resort to the complex and resource-demanding peace-keeping operations which our countries will find difficult to finance”. A proviso was nonetheless added that, under exceptional circumstances the OAU could take the responsibility for deploying civilian or military observation missions of limited duration.

The issue was settled in Cairo a year later after a consensus had emerged that the OAU Mechanism should focus on conflict prevention, while peacekeeping should be left to the United Nations (UN). However, the compromise did not deter those member states that continued to advocate that, in view of the fact that the UN Security Council was increasingly reluctant to intervene in conflict situations in Africa, OAU member states should take up their responsibility in this area. New proposals on building Africa’s capacity for peace support operations were later included in the Protocol on the Peace and Security Council of the AU, which is discussed below.

While efforts were underway to build the continent’s capacity for conflict prevention, regional organisations were involved in similar efforts at their level. Although nearly all the original five regional organisations developed mechanisms for cooperation in the security field, only two of them have been able to deploy peacekeeping or peace-enforcement forces. The first such experience took place in West Africa, with the deployment of the Economic Community of West African States Monitoring Group (ECOMOG) forces in Liberia and Sierra Leone. The other was in the southern African region, with the intervention of Southern African Development Community (SADC) forces in Lesotho.

#### 4.2 Good Neighbourliness

Convinced of the need to improve relations among member states and to strengthen solidarity, cooperation and coordination, OAU member states adopted in 1994 a code of conduct aimed at preventing and averting tensions, divisions and confrontations.<sup>14</sup> The Code of Conduct for Inter-State Relations was therefore an expression of the desire “to intensify political consultations and expand cooperation in order to resolve economic, social, environmental, cultural and humanitarian problems”. According to its drafters, “this common resolve and [the] growing interdependence will help overcome all kinds of mistrust,

---

<sup>14</sup> Organization of African Unity. Declaration on the Code of Conduct for Inter-African Relations. 30<sup>th</sup> Assembly of Heads of State and Government. (AHG/Decl.2 (XXX) Tunis, Tunisia, 13-15 June 1994.

increase stability and build a united Africa.”

The Tunis Code of conduct reaffirms the need for Africans to develop confidence building measures and trust. To that end, it lists a set of steps that would have to be taken in order to promote friendly relations, as well as peace, justice, stability and democracy. They include refraining from the use of force or the threat thereof against the territorial integrity or political independence of any state; enhancing transparency among all states; cooperating in the defence of national institutions to defeat any attempt toward hegemony and other activities likely to threaten the independence, unity, sovereign equality or territorial integrity of member states; committing themselves to the peaceful settlement of disputes as an essential component of the duty devolving on states and seizing the OAU Mechanism of any dispute among member states.

The Tunis Code of conduct urges member states to set standards and appropriate measures and regulations with a view to forestalling the use of religious or ethnic differences to encourage or carry out, directly or indirectly, activities prejudicial or potentially harmful to the stability of any member state. In sum, it stresses the importance of strengthening the amicable relations among member states and promoting friendship among African people. It also stresses the importance for member states to always seek just, effective and lasting solutions to crises through peaceful means, affirmations that appear several times in the document.

### **4.3 Greater African Unity**

AU policy makers consider the Sirte Declaration of 9 September 1999 a historic document in many respects. First, it is that declaration that renewed the appeal for an AU, to ensure greater African unity and “rekindle the aspirations of the people of the continent for stronger unity, solidarity and cohesion in a larger community of peoples transcending cultural, ideological, ethnic and national differences”. At Sirte, African leaders placed African people and their aspirations at the core of the preoccupations for greater African unity. The promotion of friendship among the people of Africa was already propounded by the Tunis Code of Conduct, but at Sirte this was seen as no longer sufficient; Africans had to become a united people and face together the globalised forces that are marginalizing Africa. This, it was believed, could be achieved through devices such as regional integration, economic cooperation, the free movement of goods and people throughout the continent, the participation of Africans through the pan-African parliament, and proper management of the affairs of the continent.

Consistent with its emphasis on African unity through regional integration, the Sirte declaration raised to a premium the elimination of the many conflicts that constitute a major impediment to the ideal of Africa’s greater unity. It was in this regard that the decision was made to revitalise the continental organisation, the OAU, “in order to play a more active role and continue to be relevant to the needs” of African people.

Conflict prevention, good neighbourliness and greater African unity encapsulate the philosophy, political ideals and steps, from the OAU to the AU, both to engineer a regional security framework and foster a sense of security community. By pairing security and community, and by extending it to the continent as a whole, the AU has sought to transcend the narrow traditional definition of security.

This effort is even more evident in the CSSDCA Memorandum of Understanding adopted by the first AU summit in Durban in July 2002. The document sets out the fundamental values that member states must respect, because of their pre-eminent importance in inter-state relations. One of these values is the acceptance of the “central character of security which, as a multidimensional phenomenon, transcends military considerations and encompasses all aspects of human existence, including economic, political and social dimensions of the life of individuals, the family, community and the nation”.<sup>15</sup>

If in Africa, security now means human security and Africa’s integration is generally accepted as a means toward that end, some disagreements still persist as to the speed with which Africa should become a single community. It should be recalled that during the drafting of the Constitutive Act of the AU, the experts were presented with two working documents, one prepared by the OAU, and the other by a delegation from Libya. The latter document, entitled ‘Draft establishment of a State of the United States of Africa’, was essentially federalist and bore more far-reaching implications for national sovereignty and the current territorial configuration of African states than the draft proposed by OAU experts.

The Libyan working document proposed the creation of a united, sovereign, independent nation embracing all African states and based on the principles of equality. The ‘United States of Africa’ would have sovereign, legislative and executive powers over all its members on issues of joint interest, including a common foreign policy, defence and security, economy, finance, international trade and external debt. According to the Libyan working document, the African Congress (the supreme legislative body representing the people of Africa) would run the union. The African Congress would, in turn, elect a President of the United States of Africa for a four-year term.<sup>16</sup>

Eventually, when it was adopted in Lome, Togo, in July 2002, the Constitutive Act was the result of a minimalist compromise that safeguarded national sovereignty and granted all the powers to manage African affairs to the Assembly of the Union, while recognising the need to associate African people through advisory and consultative bodies like the pan-African parliament or the Economic and Social Council. But the compromise was not to please all. This helps explain why rulers like Muammar Gaddafi, have persistently requested (and obtained) that the Constitutive Act should be amended so as to make it more responsive

---

<sup>15</sup> Ministerial Conference of the CSSDCA. Memorandum of Understanding. Durban, South Africa, July 2002.

<sup>16</sup> Libya, until recently, never gave up on this position. It proposed amendments to the Constitutive Act along the same line, but most were rejected.

to the aspirations of African people (not just their rulers) for greater unity.<sup>17</sup>

Besides those mentioned in the paragraphs above, there are other initiatives and blueprints: notably on election monitoring, the pan-African parliament and corruption. Speaking of the latter, it is worth noting that an OAU Plan of Action against Impunity was adopted by the Council of Ministers in Yaounde in 1996, which, *inter alia*, underlined the need to observe principles of good governance, the primacy of law, human rights, democratisation and popular participation by the African people in the process of governance. During the OAU summit in Ouagadougou, Burkina Faso, in 1998, heads of state and government adopted a decision requesting the OAU Secretary General to convene, in cooperation with the African Commission on Human and People's Rights, a high-level meeting of experts to consider ways and means of removing obstacles to the enjoyment of economic, social and cultural rights, including the fight against corruption and impunity. Furthermore, declarations adopted in Lusaka, Zambia, in July 2001, and Durban, South Africa, in July 2002, on NEPAD, called for the setting up of a coordinated mechanism to combat corruption effectively. Following these mandates, a ministerial meeting was convened in Addis Ababa from 18 to 19 September 2002, to examine a draft AU convention on preventing and combating corruption.

Of all the issues discussed in the preceding sections, politico-military threats, terrorism and HIV/AIDS are certainly the ones that are now receiving the greatest emphasis among member states. It is therefore opportune to assess the efforts of member states in these three key security areas.<sup>18</sup> Attention will be given to three documents purporting to draw a comprehensive policy framework at the continental level; ie the Protocol relating to the establishment of the Peace and Security Council of the AU<sup>19</sup>, the Convention on the prevention and combating of terrorism<sup>20</sup>, and the plan of action on HIV/AIDS and other sexually transmitted diseases.

## 5. THE PEACE AND SECURITY COUNCIL OF THE AU

The Protocol relating to the Peace and Security Council of the African Union (PSC) is arguably the premier policy blueprint, the centrepiece of the work of the AU in the politico-military

---

<sup>17</sup> The amendments were submitted for the consideration of the 1<sup>st</sup> extraordinary session of the Assembly of the Union, which met in Addis Ababa on 3 February 2003.

<sup>18</sup> A fourth area of concern, political instability brought about by unconstitutional changes of government, is the subject of my forthcoming study which uses the cases of the Comoros, Côte d'Ivoire, Guinea Bissau, Madagascar and Niger.

<sup>19</sup> The Protocol was adopted by the 1<sup>st</sup> ordinary session of the Assembly of the AU held in Durban, South Africa, on 9 July 2002, following its signature by 27 member states.

<sup>20</sup> This Convention was adopted by the 35<sup>th</sup> ordinary session of the OAU Assembly of Heads of State and Government held in Algiers, Algeria, from 12 to 14 July 1999. Furthermore, at the initiative of Sudan, the Fifth Extraordinary Session of the OAU Central Organ at Ministerial level was convened in New York in November 2001, to review the African position on terrorism.

field. It was adopted by the heads of state and government at the 1<sup>st</sup> ordinary summit of the Assembly of the AU held in Durban in July 2002, and will enter into force after its ratification by a simple majority of AU member states. Then, the PSC will replace the Central Organ of the OAU Mechanism.

The PSC is an operational structure aimed at ensuring effective implementation of the decisions taken by AU member states in the field of conflict prevention, peacekeeping, peace support operations and intervention, as well as peace-building and post-conflict reconstruction. It is both a standing decision making organ and a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa. (Article 2)

The PSC puts an emphasis on conflict prevention, but it has been granted broader responsibilities in the areas of peacemaking, peace-building and post-conflict reconstruction. Additionally, its mandate has been broadened to include the promotion and encouragement of democratic practices; good governance and the rule of law; the protection of human rights and fundamental freedoms; respect for the sanctity of human life and international humanitarian law. The inclusion of political factors in the mandate results from the realization that political instability may create an environment conducive to the generation of crises and violent conflicts.

In granting the PSC a broader mandate than the OAU Mechanism, member states reasoned that although the UN Security Council has the primary responsibility for the maintenance of international peace and security, Africa should, in conformity with Chapter 8 of the UN Charter, develop its own capacities for peace and security. They also recognized the need to redress the factors that hindered the performance of the OAU Mechanism.

Article 3 sets its 'objectives' as consisting primarily in the anticipation of conflicts and the promotion of peace, security and stability in Africa in order to guarantee the protection and preservation of life and property, the well being of African people and their environment, as well as the creation of conditions conducive to sustainable development. However, in circumstances where conflicts have occurred, the PSC is given the responsibility to undertake peace making and peace-building functions. It is also expected to promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence; coordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects; and develop a common defence policy for the Union.

The 'principles' outlined in Article 4 are the same as those enshrined in the Constitutive Act and other important AU policy proclamations. They include the peaceful settlement of conflicts; early responses to contain crisis and prevent them from developing into full-blown conflicts; respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law; interdependence between socio-economic development and the security of peoples and states; non-interference by any member states

in the internal affairs of another, sovereign equality and interdependence of member states, inalienable right to independent existence; respect of borders inherited on achievement of independence. The PSC also upholds Article 4(h) of the Constitutive Act of the AU concerning the right of the Union to intervene in a member state pursuant to a decision of the Assembly of the Union in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, and recognizes the right of member states to request intervention from the Union in order to restore peace and security.

Article 5 on the ‘composition’ of the PSC was hotly debated during both the preparatory meetings of the Ambassadors in Addis Ababa and the deliberations of the policy organs in Durban. Initially, the idea was to institute the equivalent in Africa of UN Security Council’s permanent members (ie the so-called African ‘hegemons’) and non-permanent rotating members. The few proponents of this idea argued that, by virtue of their economic (and demographic) weight, politico-military capabilities, international credibility and/or their regular involvement and determining role in the settlement of regional or continental conflict situations, it was advisable for the Protocol to establish within the PSC a category of permanent members as a way of recognizing their positive contribution to peace and security in Africa and encouraging them to play, within the framework of the PSC, a leading role in the maintenance and promotion of peace and security in the continent.

Other member states invoked the provisions of the Constitutive Act of the AU that uphold the principle of equal sovereignty of member states to reject the idea of PSC permanent members. Ultimately, although they rejected the proposition that in African security matters, some AU member states have more influence and capabilities than others, member states agreed to fit the PSC with 10 members elected for a term of two years, and 5 members elected for a term of three years “in order to ensure continuity”. In reality, this was the group that would have constituted the category of PSC permanent members.

Strict ‘eligibility criteria’, aside from election, have been defined for membership to the PSC. They include respect for constitutional governance and the rule of law as well as demonstrated commitment to uphold the principles of the Constitutive Act. In practice, this means that a prospective member should have contributed to the promotion and maintenance of peace and security in Africa, including through participation in peace support operations. Troublemakers, as it were, or countries involved in or sowing conflicts in their neighbourhood would, in principle, be refused membership of the PSC. Being elected is no longer a sufficient condition for inclusion in the PSC. Prospective member states must demonstrate sufficient capacity and commitment to shoulder the responsibilities entailed in membership.

This set of seemingly strict criteria reflects an attempt by the AU to put its house in order by limiting membership in the PSC to those (few) states that are able to meet strict requirements. It also provides an incentive to member states in general to abide by the principles of the Constitutive Act so that they may take part in the work of this key decision-making body. It is therefore in the new context of accountability that one must understand

the provision establishing a periodic review of the PSC membership by the Assembly of the Union to assess the extent to which PSC members continue to meet the requirements spelt out above (Article 5.4). In other words, once elected, a member state can lose its membership in the PSC if it fails to live up to the stringent criteria.

The 'powers' of the PSC (Article 7) are quite wide and all encompassing. They include the anticipation and prevention of conflicts; peacemaking and peacekeeping operations; the mounting and deployment of peace support operations; the imposition of sanctions following unconstitutional changes of government; implementation of the Union's common defence policy and the OAU Convention on terrorism; the development of policies aimed at ensuring that external initiatives in the field of peace and security on the continent such as RECAMP takes place within the framework of the Union's objectives and priorities; and support for and facilitation of humanitarian action in situations of armed conflicts or major natural disasters.

The most important feature in this provision is the commitment entered by AU member states to accept and implement the decisions of the PSC, extend their full cooperation and facilitate its action in the fulfilment of its mandate. This is the result of an attempt to establish the authority of the PSC in the execution of its mandate and avoid the situation that prevailed in the OAU, whereby member states consistently failed to implement or live up to the commitments and agreements they had signed.

Article 8 deals with procedural matters, notably the organization and meetings of the PSC, as well as agenda and quorum matters. In particular, paragraph 10 on the conduct of business introduces an important innovation. It will be recalled that, pursuant to Article 5(2) of the PSC, member states involved in a conflict situation either internally or in neighbouring countries may not be elected as members of the PSC. Article 8 clarifies the conditions under which non-members of the PSC may participate in the deliberations of the PSC.

Any member state that is party to a conflict under consideration by the PSC shall be invited to present its case as appropriate, and to participate in the deliberations but will not have the right to vote on any decision to emerge out of the deliberations. Further, any non-PSC member state, which considers that an issue under consideration by the PSC affects its interests, may be invited to take part in the deliberations of the PSC but without the right to vote. This is to avoid the situation that prevailed during the deliberations of the Central Organ of the OAU Mechanism, where parties to a conflict situation were at once judge and party and were able, through their participation, to filibuster, water down decisions or defeat attempts to condemn their action.

Voting is another innovation introduced by the Protocol. In general, consensus remains the AU's preferred *modus operandi*. However, according to this procedural innovation, the PSC should resort to voting whenever the PSC fails to reach consensus. This is to enable the PSC to reach decisions and take responsibility for its action, rather than wasting time in rhetorical circumvolutions. Decisions on procedural matters require a simple majority,

whereas those on other issues germane to the mandate of the PSC should be taken by two-thirds of the members present and voting. Each member of the PSC has one vote.

Entry points and modalities for action are addressed in Article 9. These provisions are similar to the practice observed during the time of the OAU, whereby the Central Organ, on its own volition or on the initiative of the OAU Secretary General, used its discretion to get involved in crisis or conflict situations. The Panel of the Wise is an innovative mechanism of the PSC for determining entry points for action. This new sub-structure has been set up to support the PSC in the delivery of its mandate, particularly in the area of conflict prevention (Article 11). Chosen by the Chairperson of the AU Commission on the basis of regional representation, and appointed by the Assembly of the Union, the Panel of the Wise consists of a select group of five “highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent”. Its role is to advise the PSC and the Chairperson of the Commission (whose own role is detailed in Article 10) on all issues relating to peace, security and stability in the continent.

In order to effectively fulfil its mandate, the PSC has been fitted with an early warning system that, in due course, will be connected to similar outlets set up by regional security mechanisms and the UN (Article 12). This is a continuation and an extension of OAU efforts to set up and run an early warning system with the establishment of an Early Warning Unit that is still operational within the Conflict Management Centre. The commitment entered by member states to help the continental early warning system fulfil its mission is, however, a new and major concession. Previously, member states were reluctant to give the OAU access to critical information on or to protagonists in domestic conflicts, while they accepted and sometimes invited foreign mediation by governments and international nongovernmental bodies.

The long Article 13 on the African stand-by force is a novelty in the AU. The pan-African force, as some member states wished to call it, has been established in order “to enable the PSC perform its responsibility with respect to the deployment of peace and support missions and intervention pursuant to Article 4(h) and (j) of the Constitutive Act”. This force “shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice”. Member states shall take steps to ready “stand-by contingents for participation in peace support missions decided by the PSC or intervention authorized by the Assembly of the Union”. This article provides details on such matters as mandate, the military staff committee that will advise and assist the PSC in all questions relating to military and security requirements, training of the contingents, and the role of member states. Article 14 concerns the peace-building mission devolved to the PSC. This is the first time in its history that the continental organization commits itself in this field. A detail of tasks to be performed during and at the end of conflicts is provided herein, as is the PSC role in the humanitarian field (Article 15).

Article 16 deals specifically with regional security mechanisms, which are defined as being “part of the overall security architecture of the Union”.<sup>21</sup> The PSC and the Chairperson of the Commission of the AU are expected to take necessary steps to “harmonise and coordinate the activities of the Regional Mechanisms in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union; and work closely with Regional Mechanisms, to ensure effective partnership between them and the PSC in the promotion and maintenance of peace, security and stability”.<sup>22</sup>

Article 17 addresses cooperation with the UN system, especially in matters pertaining to financial, logistical and military support for AU’s activities in peace, security and stability areas. Relations with the pan-African parliament (Article 19) in the furtherance of peace, security and stability are supposed to be ‘close’, and the PSC, through the Chairperson of the AU Commission, is requested to present an annual report on the state of peace and security in Africa that shall be presented to representatives of African people. The cooperation of the African Commission on Human and People’s Rights will also be closely sought “in all matters relevant to the objectives and mandate of the PSC” (Article 19), notably in the area of human rights violations, while civil society organisations will be encouraged to actively take part in the work of the PSC, notably through the early warning system (Article 18). Whenever necessary, they will be invited to attend the deliberations of the PSC.

Article 21 on funding deals with one of the most pressing issues and a serious impediment to the realization of the ambitious objectives and tasks set forth in the Protocol. A heated debate arose on the issue of apportioning to member states the cost borne by AU’s peace support operations. Eventually, it was agreed that, “when required, and following a decision of by the relevant policy organs of the Union, the cost [involved in the deployment of the African stand-by force] shall be assessed to Member States based on the scale of their contributions to the regular budget of the Union”. Troop contributing members are invited to bear the cost of their participation during the first three months; afterwards the AU will pick the tab and refund them.

Article 22 deals with final provisions, notably the fact that the Protocol on the PSC replaces the Cairo Declaration on the OAU Mechanism and supersedes the resolutions and decisions of the OAU pertaining to said Mechanism. In sum, it is expected that once it has been ratified by a simple majority of its members, the Protocol establishing the peace and Security Council of the AU shall become the premier AU tool to deal with politico-military threats to the continent.

---

<sup>21</sup> Mwanasali M. ‘From the OAU to the AU.’ *From Cape to Congo: Southern Africa’s Evolving Security Challenges*. Baregu M, Landsberg C. (eds). Boulder, Colorado: Lynne Rienner Publishers, 2003: 205-223.

<sup>22</sup> Ibid.

## 6. OAU CONVENTION ON TERRORISM

The realization that terrorism is a phenomenon that bears significance to African states is relatively recent, as member states in the past generally discounted the possibility that Africa could be the location or a target of terrorist attacks. The general assumption was that the continent, particularly sub-Saharan Africa, was too isolated in economic, geographical and ideological terms, to be factored into the calculus of would-be terrorists. It was equally assumed that should 'terrorist' incidents occur on African soil, they would be of such minimal impact as to warrant the attention of heads of state and government. Besides, many African rulers had their own 'terrorists' to worry about (though they were not qualified as such at the time) in the form of internal rebellion or armed opposition. A convention on combating terrorism was nevertheless adopted at the OAU summit in Algiers, Algeria, in July 1999. However, at the time of the bombing of the US embassies in Nairobi and Dar-es-Salaam, only three member states had ratified it. While it might have been expected that the tragic events in Nairobi and Dar-es-Salaam would generate momentum behind the Convention, the opposite almost happened, as the initiative of one member state nearly killed it.<sup>23</sup>

The attacks on the US on 11 September 2001 revived the AU drive against terrorism. A high-level inter-governmental meeting on terrorism took place in Algiers from 11 to 14 September 2002, resulting in the adoption of an AU Plan of Action for the prevention and combating of terrorism, as well as a proposal put forth by the Algerian President Abdelaziz Bouteflika for the establishment of an African Centre for the Study and Research on Terrorism.

The common continental position on the issue of terrorism was not entirely a new direction for African rulers to take, as terrorism figured prominently in the deliberations of the OAU summit in Tunisia in 1994. In the Conduct for inter-African Relations, discussed in a preceding section, member states reiterated

their commitment to abide by ... international law and refrain from organizing, instigating, facilitating, financing, encouraging or tolerating activities that are terrorist in nature and intent, and from participating in such activities in whatsoever manner, and to take necessary operational measures to ensure that member states' territories do not serve as training camps or indoctrination centres for terrorist elements and movements and as sanctuaries for the planning and organization of terrorist and destabilization activities directed against the territorial integrity and security of member states or other states or their nationals.

---

<sup>23</sup> This is the summit convened by President Abdoulaye Wade of Senegal on 17 October 2001, to draw a common African position against terrorism. Asked about the reason for the initiative, President Wade totally ignored the Algiers Convention by indicating that the OAU had no framework against international terrorism. In the end, a compromise was found, and African leaders, while calling member states to accelerate the ratification of the Algiers Convention, adopted the Dakar's Declaration Against Terrorism.

Article 1 (3) of the Algiers Convention defines terrorism as follows:

- (a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
  - (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
  - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
  - (iii) create general insurrection in a State.
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).

Article 3 of the Algiers Convention excludes from the definition of terrorism “the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces”. It also states “political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defence against a terrorist act”.

State Parties, ie any AU member state which has ratified or acceded to the Convention and has deposited its instrument of ratification or accession with the AU Commission, are requested to “refrain from any acts aimed at organizing, supporting, financing, committing or inciting to commit terrorist acts, or providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries and the issuing of visas and travel documents”. The Convention further urges that member states promote co-operation among themselves on this matter, including through the exchange of information on terrorist acts and groups, and the adoption of any legitimate measures aimed at preventing and combating terrorist acts in accordance with the provisions of this Convention and their respective national legislation.

The Algiers Convention entered into force at the end of 2002, after the fifteenth instrument of ratification was deposited with the AU Commission. For each subsequent member state to accede to the Convention, the latter will enter into force thirty days after the date of the deposit by that State Party of its instrument of accession. A draft Protocol to the Convention is currently under review. This protocol should incorporate provisions aimed at updating the Convention, particularly on the issue of financing terrorism.

## 7. HIV/AIDS

In the introductory paragraphs, some figures were provided to highlight the magnitude of the spread of HIV/AIDS throughout the continent, and the attendant damages caused by this killer pandemic to African communities and productive systems. According to the aforementioned UNAIDS/WHO report, the seriousness of the HIV/AIDS pandemic on the continent is made more critical by the long incubation period. The disease may still be in its initial phase, as it is only recently that increasing numbers of HIV infected people are showing the signs of AIDS. Some countries, namely Botswana and Uganda, have had some success in limiting the numbers of persons becoming infected with HIV and in providing affordable treatment to already infected people. However, the trend on the continent is, tragically, an accelerating infection rate. For example, Cameroon, which at 11% used to have one of the lowest HIV-infected populations in Africa, recently issued an estimate that puts at 30% the number of the youth between the age of 15 and 24 (“the nation’s iron spear head”) which is HIV positive.<sup>24</sup>

The numerous armed conflicts in Africa and the resulting massive displacement of populations within and across boundaries have served as vectors for the disease, as has the sexual violence that often is an attending atrocity of conflict and insecurity. Before the 1994 genocide in Rwanda, it was estimated that 10 % of the persons in urban areas were HIV positive, in contrast to less than 1% in rural Rwanda. A study conducted in 1997 showed that approximately 11% of both the urban and rural population was now infected with the HIV virus. The infection rate of women who were raped stood at 17%, as compared to 11% among those who had not been raped. In Sierra Leone, it is estimated that, during the brutal war in that country, 70.6% of prostitutes were HIV positive, but the figure dropped to 26.7% after the war. While 9% of adult Ugandans in 1997 were HIV positive, the infection rate among Ugandan was estimated at 27%.<sup>25</sup>

The spread of HIV/AIDS figured on the agenda of an OAU summit for the first time in July 2000, on the occasion of the 36<sup>th</sup> ordinary session held in Lome, Togo. At the end of their deliberations on this issue, member states adopted a declaration on HIV/AIDS in Africa, in which they recommitted themselves “to control the spread of the pandemic on the continent and to keep the question high on the national agenda for health, social, cultural and economic activities”. They also decided to hold an African Summit devoted exclusively to HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, to “undertake a critical review and assessment of the situation and the consequences of the diseases in Africa”.

The summit on HIV/AIDS took place in Abuja, Nigeria, from 26 to 27 April 2001. It resulted in the adoption of the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, as well as the Abuja Framework for Action for the Fight against

---

<sup>24</sup> UNAIDS/WHO 32-34.

<sup>25</sup> UNAIDS/WHO 32-34. As the report points out, it is well established that rape is often used a weapon for terror by conquering armies and among the refugees or internally displaced persons. Teenage girls and young women suffer this plight most.

HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, and the Framework Plan of Action for the Implementation of the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases.<sup>26</sup>

Specifically, member states expressed their deep concern about the socio-economic impact of HIV/AIDS, and deplored the deaths of millions of African children and the impact of HIV on the youth “who represent the future of our continent”. African leaders also recognize that “forced migrations due to war, conflicts, natural disasters and economic factors ... lead to an increased vulnerability and the spread of the disease” and noted that, in the fight against the continued spread of the disease, “special attention should be given to migrants, mobile populations, refugees and internally displaced persons in national and regional policies.”

In their view, HIV/AIDS and other related diseases “constitute not only a major health crisis, but also an exceptional threat to Africa’s development, social cohesion, political stability, food security as well as the greatest global threat to the survival and life expectancy of African peoples”. They added, “these diseases, which are themselves exacerbated by poverty and conflict situations in our continent, also entail a devastating economic burden, through the loss of human capital, reduced productivity and the diversion of human and financial resources to care and treatment”. On the whole, African leaders expressed their conviction that tackling these epidemics should constitute not only a top priority, but also an integral part of the continent’s “agenda for promoting poverty reduction, sustainable development and ensuring durable peace and political security and stability...”

In view of the above, the Abuja African AIDS Summit called “AIDS as a State of Emergency in the continent”. It decided to place the pandemic at the forefront of future initiatives and deemed that it must be the highest priority issue requiring a rapid collective response. Call was made to donors to “complement [member states’] resource mobilization efforts to fight the scourge of HIV/AIDS, tuberculosis and other related infectious diseases. Bearing in mind that Africa cannot, from its weak resource base, provide the huge financial resources needed”, the Abuja African Summit urged donor countries to meet the 0.7% of their GNP as official development assistance to developing countries.

A Framework for Action to fight the pandemic and a Plan of Action to implement the declaration on HIV/AIDS were also adopted in Abuja. The primary goal is “to arrest and reverse the accelerating rate of HIV infection, tuberculosis and other related diseases. Activities cover wide areas ranging from education, advocacy and prevention to access to affordable drugs and respect and protection of the rights of the infected as well as the most vulnerable groups; ie children, the youth, women and persons with disabilities, workers and

---

<sup>26</sup> These OAU documents are classified as AHG/228 (XXXVII) Annex I, Annex II and Annex III, respectively.

mobile populations. Additionally, member states were urged to adopt the Framework for Action in order to develop their own action plans.

## **8. EMERGING SECURITY ARCHITECTURE: CHALLENGES AND OPPORTUNITIES**

This study has endeavoured to provide a general, yet comprehensive overview of the AU's efforts to engineer a new security framework, as well as to inculcate a set of shared values on the continent. It is through the mechanisms discussed herein that the continental organization is working to ensure that the new security community works towards the betterment of Africa as a whole and its individual members. Security, particularly in the African context, must therefore be considered more broadly than the classical meaning would imply. However, in extending the meaning of security, the AU does not eschew politico-military considerations: the latter remain central to its concerns as both a means to an end - social justice, development and well-being of the African people - and an end in themselves - durable peace, political stability.

The issues and themes outlined above underscore member states' resolve, at least on paper, to undertake a serious reform of the business-as-usual manner in which they were accustomed to run the continent's affairs, and to institute new structures capable of meeting Africa's multiple and multidimensional challenges. The concluding paragraphs will assess both the opportunities and challenges for the merging security framework, and will highlight some theoretical and policy implications of the human security agenda in Africa.

This study highlighted the links existing between the concept of human security and the philosophy behind the emerging security framework on the continent. It also showed that the Constitutive Act of the AU and other major declarations and decisions are replete with references to the well being of the African people, the need to foster friendly relations and achieve greater unity among them. However, even if the nature and scope of the new security threats have been sufficiently addressed by the AU's policy organs, it must be stressed that it remains unclear or unsatisfactory as to whose security the continental organization is most committed to ensuring.

The AU adheres to the Westphalian conception of the state as it was bequeathed to Africa at the time of independence. While the new security framework has at its core the well being of both the state and its citizenry, the security of the state remains pre-eminent. "Sovereign equality and interdependence among member states of the Union" and "respect of borders existing on achievement of independence" are the first two principles listed in Article 4 of the Constitutive Act of the AU. Nine of the 16 items enunciated in this article directly concern the viability of the current state system, while only one deal with a vague "participation of the African peoples in the activities of the Union".

Furthermore, the Assembly of the Union, like the former OAU's assembly of heads of state and government, is the supreme organ, the only organ with the powers to determine the common policies of the Union. Essentially, the Assembly of the Union acts as both a judge and a party in the management of the affairs of the Union. It has the powers to establish (and dissolve) other organs of the Union, and to receive, consider, and take decisions on reports and recommendations from these other organs. It also has the powers to appoint and terminate the appointment of the judges of the Court of Justice of the Union. As was the case with the OAU, everything is done pursuant to, in accordance with or in anticipation of, decisions and directives by the heads of state and government.

The lack of accountability of the supreme organ of the AU is cause for serious concern. No provision in the Constitutive Act subjects the Assembly of the Union to accountability or scrutiny by another organ of the Union, apart from itself. The Pan-African Parliament, established by Article 17 of the Constitutive Act of the AU "to ensure the full participation of African peoples in the development and economic integration of the continent", comes in third position in the order of the organs of the Union, behind the Assembly and the Executive Council (ie the Council of ministers of foreign affairs).

The preamble of the Protocol to the Treaty establishing the African Economic Community relating to the pan-African Parliament notes, among others, that "the establishment of the Pan-African Parliament is informed by a vision to provide a common platform to African peoples and their grass-roots organisations to be more involved in discussions and decision-making on the problems and challenges facing the continent".<sup>27</sup> Article 2 of said Protocol further states that "the ultimate aim of the Pan-African Parliament shall be to evolve into an institution with full legislative powers and whose members are elected by universal adult suffrage. However, *until such time as the Member States (ie the Assembly of the Union) decide otherwise by an amendment to this Protocol, the Pan-African Parliament shall have consultative and advisory powers only*" (The emphasis is mine).

In other words, until such time (at some unspecified moment in the future) as the heads of state and government of the AU will agree to grant the pan-African parliament full legislative powers, the participation of the African peoples in the activities and decision-making processes of the AU will be conducted on a consultative basis. While in an increasing number of African countries, the citizenry is recognized the right to choose its leaders through credible democratic procedures and to exercise oversight powers over the executive branch of government through their duly elected representatives, at the continental level, the people are forced to exercise patience before they are allowed meaningful participation in the affairs of the AU at the behest and convenience of their (hopefully) elected leaders. This may be read as reluctance on the part of the AU to stand by the people who, in some countries, have waged a struggle to democratise the polity and remove from powers leaders who misruled the country or undertook to amend national constitutions with the sole intent

---

<sup>27</sup> Organization of African Unity/African Economic Community. Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament. OAU Headquarters, Addis Ababa, Ethiopia, July 2001.

of prolonging their tenure in office.

One response to this criticism is that NEPAD's African Peer Review Mechanism precisely addresses the issue of accountability. The African Peer Review Mechanism (APRM) is defined as "an instrument voluntarily acceded to by member States of the AU as an African self-monitoring mechanism".<sup>28</sup> The APRM's primary purpose is stated as follows:

to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs of capacity building.<sup>29</sup>

NEPAD enunciates a set of requirements concerning democracy and political governance. It identifies objectives to be achieved in this domain, like conflict prevention, constitutional democracy, promotion and protection of the rights of women and the youth, basically all the objectives set forth in various OAU/AU pronouncements, and sets 'indicative criteria', like whether a country has ratified a particular protocol, what it has done to implement various decisions, or whether there exist national institutions (early warning system) to deal with a set of issues.<sup>30</sup>

Reading through the NEPAD document, one is struck by the fact that APRM's 'indicative criteria' and 'indicators' are meant as an inventory of national legislation or institutions to regulate, implement or deal with this or that particular issue, and on the basis of which a country's program of action will be devised "to strengthen its capacities and accelerate progress towards its vision of excellence in performance in the areas being reviewed". The APRM document is conspicuously silent on what measures the AU or NEPAD would have to take in the case where a member state voluntarily violates the letter or vitiates the spirit of NEPAD or the AU Constitutive Act. What will be done to member states that voluntarily fail to abide by the businesslike codes and standards referred to in the NEPAD Declaration?<sup>31</sup>

My point is simply that proponents of the APRM in its original conception might have either overlooked or grossly underestimated the importance member states attach to national sovereignty. As a result, conceived initially as a powerful tool to monitor the transformation of African polities and economies following their adoption and

---

<sup>28</sup> Organization of African Unity. The New Partnership for Africa's Development: Declaration on Democracy, Political, Economic and Corporate Governance (Annex I) and the African Peer review Mechanism (Annex II). 38<sup>th</sup> ordinary session of the Assembly of Heads of State and Government, (AHG/235 (XXXVIII) Durban, South Africa, 8 July 2002.

<sup>29</sup> NEPAD. Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism. January 2003: 1.

<sup>30</sup> In fact, monitoring and reporting on ratifications by member states is neither new nor innovative. Twice a year, ie before the February-March session of the OAU Council of ministers (now the Executive Council) and the July summit of the heads of state and government, the office of the OAU/AU Legal Counsel prepares a report of the head of the continental organization "on the status of OAU Treaties". The APRM's involvement in this area is, therefore, unnecessary and an ineffective duplication of work that is already well done by the appropriate AU structure.

<sup>31</sup> NEPAD. *The New Partnership for Africa's Development*. October 2001.

implementation of universally accepted principles of democratic governance, accountability and the participation of the people, the APRM has been reduced to a nearly toothless instrument to inventory what member states voluntarily accept to disclose. In the process, the 'review' dimension is being lost, and doubts can genuinely be voiced as to the extent to which the new role assigned to the APRM is different from the tasks assumed by UNDP country teams, and how meaningful an impact it will have on the lives of the African people on the ground, as compared to the work done by some (global or local) non-governmental organisations.

Sovereignty is an important factor in African politics. It should be recalled that the AU has, among its objectives, to defend the sovereignty, territorial integrity and independence of its members, and enforce the respect of borders existing on achievement of independence as one of its principles. But sovereignty can be a serious impediment to the fulfilment of the objectives set forth in the emerging security framework on the continent.

Among the principal ingredients of sovereignty is the capacity to feed the population, protect it against the spread of epidemics and the consequences of unforeseen natural disasters, ensure governmental authority over the land: in sum, to create an enabling and peaceful environment for the pursuit of happiness. The majority of African governments are, sometimes through no faults of their own, incapable of providing such an environment. As a result, several AU members are sovereign in name only, and the continental organization lacks the political support from its member states to enforce its principles and the requisite financial resources to enhance their capacity to assume the obligations enshrined in the notion of sovereignty.

Clearly, there is a need to review the prevailing notion of sovereignty in Africa. This idea is not as inconceivable as it sounds on the surface. Senegal's constitution provides that the nation can temporarily abandon part of its sovereignty to the AU for the fulfilment of a continental cause. Furthermore, the former president of Mali, Alpha Oumar Konare, whose faith in the pan-African cause is without question, has been an advocate of a federalist type of African integration, though in stages rather than at once as proposed by the Libyan leader.

A review of the notion of sovereignty in Africa does not have to adopt the very fast track proposed by Libya's idea of the United States of Africa, which infers a complete overhaul of the state system, as it exists today. It can be carried out in stages, as the former Malian president has often advocated. At first, AU member states could agree, if they have not already done so, on a number of 'trans-sovereign' security threats for which national capacities are either lacking or poorly developed, and to pool resources in a common continental fund in order to meet them. International terrorism, natural disasters, HIV/AIDS, and trafficking in drugs and arms are readily amenable to such a gradual approach. In fact, this is already implemented though in a haphazard manner; on numerous occasions, the OAU Secretariat and its successor, the AU Commission has, in spite of its meagre resources, made financial contributions to assist governments beset with drought, floods or volcanic eruption.

Similar assistance has been given for humanitarian reasons, including assistance to refugees and internally displaced persons.

The most difficult challenge of all concerns how to overcome the pervasive lack of trust among the African governing elite. Sensitive security threats, that is, those threats seen by the national ruling elite as directly affecting their own survival from either an internal opposition or a neighbour's malevolence, are therefore the most difficult to deal with. Perceived as either emotional paranoia or a consciously chosen strategy by national elite to deal with surrounding political uncertainty, trust and the lack thereof constitute a major impediment to the fulfilment of the objectives of the AU.

It is equally important to pinpoint the issue of resources needed for the full implementation of AU's new security agenda. Financial constraints are real, as the organization increasingly relies on extra-budgetary sources and funding from its non-African donors to finance its activities in the field of peace and security. Furthermore, there is also need for the emerging security architecture of the AU to streamline its relations and agree on a division of labour with regional security arrangements.<sup>32</sup>

The notion that the AU constitutes a regional security community may strike some with incredulity, considering all the challenges facing the continental organization and its (sometimes unfair) reputation of inefficiency. One may challenge this author to show how an amalgamation of territorial units artificially created by colonization, with its diverse tribal and ethnic identities, may develop shared values, norms and symbols that will give it a common sense of identity and distinguish it from the rest of the world. The AU, it may be contended, is unable to develop common long-term interests and obtain from its suspicious member states long-term commitment to the fulfilment of such interests.

My response, by way of conclusion, to those who would pose such a challenge and pessimistic view of the AU would borrow extensively from Adler and Barnett's work on security communities.<sup>33</sup> First, the emerging security architecture at the continental level is an effort by the AU to marry security with community. Second, by marrying security and community, AU member states are revising the meaning of both security and power politics. The African Charter for popular participation, the code of conduct in inter-African relations, the AU position against unconstitutional changes of governments, the adoption of the principles and criteria governing democratic elections in Africa, the CSSDCA memorandum of understanding and NEPAD's declaration on democracy, political, economic and corporate governance, to name but a few, are an indication of the recognition among member states of the need to adopt new standards of political behaviour and draw common political values. Third, there is the recognition that threats to Africa's survival extend beyond the politico-military concern traditionally associated with the concept of security. The fight against HIV/AIDS, tuberculosis and other associated diseases should therefore go side by side with

---

<sup>32</sup> Mwanasali M.

<sup>33</sup> Adler E, Barnett M. (eds). *Security Communities*. New York: Cambridge University Press, 1998.

concerns about peace and security or international terrorism. Finally, the AU has resolved to resource pooling and confidence building measures as a way to palliate the perennial lack of capacity among member states and pervasive mistrust among their governing elite. Emphasis on conflict mediation through existing continental bodies and channels and calls for greater solidarity and unity among African peoples are among the tools conceived to this end.