The Wilson Center

SOUTHERN VOICES IN THE NORTHERN POLICY DEBATE

Perspectives on Conflicts and Conflict Resolution in Africa

By
David Zounmenou, Dimpho Motsamai and Fritz Nganje
of the Institute for Security Studies, South Africa and
the Institute for Global Dialogue, South Africa

This research paper is part of The Wilson Center's Africa Program and Leadership Project 2012 Southern Voices in the Northern Policy Debate Initiative, supported by the Carnegie Corporation of New York

CONTENTS

I.	**Abstract**	**2**
II.	**Methodological Issues in Conflict Resolution**	**3**
	Gaps in the northern approach	
	The methodological approach by the African Union and its institutions	
	The imperative for common ground	
III.	**Preventive Diplomacy and Conflict Management Frameworks in Africa**	**9**
	Western and African perspectives on preventive diplomacy and mediation	
IV.	**Humanitarian Intervention and Protracted Conflicts in Africa**	**14**
	Africa's perspectives on humanitarian intervention	
V.	**AU and the Responsibility to Protect: The Cases of Libya and Cote d'Ivoire**	**17**
VI.	**Conclusions and Recommendations**	**19**
VII.	**Organizational Information**	**22**
VIII.	**Endnotes**	**24**

I. ABSTRACT

The challenge to provide innovative ways of preventing, managing and resolving conflicts, as well as dealing with and preventing the phenomenon of weak and even "failed states" has persisted since the post-colonial period of the 1960s. Many of the realities of state-making and governance at independence still permeate, while some of the policy and practice failures have been attributed to professed Western-dominated approaches to conflict prevention, management and resolution in Africa. Notably, the core threads in the studies of intrastate conflicts, both old and contemporary, are generally the persistence of weak governance structures, horizontal inequities, and opportunities for groups to engage in violent conflicts.

Equally, the rapidly growing body of knowledge and practice that now fall under the expanded rubric of conflict prevention, conflict resolution, conflict management, and peace-building, appreciates that economic problems are also political issues set in a wider context of social relations between societies. In this regard, the adoption of the "Framework For a Common African Defense and Security Policy" by the African Union Assembly of Heads of State and Government in 2003 signaled a determination to deal with the "root causes of conflicts," such as poverty and bad governance, and more importantly, addressing conflicts both directly and indirectly through "preventive diplomacy and rapid intervention in conflict zones."

Despite consensus on these general principles, some problems still persist at the center of the debate in how to approach crisis situations or rebuild post-conflict societies, giving rise to two observations. First is the African insistence on indigenous solutions to the continent's problems, suggesting that homegrown initiatives should always take precedence over external interventions, which are often seen to be unresponsive to local realities; and second is the role and responsibility of Western countries in helping resolve crises or rebuilding societies on the continent.

One of the key areas that merits attention is a comparative analysis of conflict management strategies and mechanisms employed by both African and international actors in select African countries. Evidence suggests that effective cooperation is often hampered by a divergence of norms and doctrines in the security field, including the absence of institutional docking stations between relevant continental and regional arrangements. What is becoming evident is that there is little knowledge of the different conflict management and peace-building efforts undertaken at multiple levels by African and other domestic actors, international approaches and the degree of alignment between African and international approaches. The increased participation of Southern academics and practitioners in long-term research in this domain to inform Northern perspectives and approaches is instrumental.

Problem statement

Firstly, the fact that the prevalence of conditions that contribute to instability and underdevelopment in Africa also threaten to undermine the vested interests of the

Northern powers is problematic. This consequently plays itself out in the approaches both forge in intervening in the different stages of conflict management. Notable variances in the South-North policy debate include the tension over who should take the lead in peacemaking and post-conflict reconstruction (PCR) processes on the continent, and related sequencing of activities; and the lack of sufficient consensus on the structural conditions that lead to instability and thus necessitate concerted and long-term action. Secondly and also inevitably linked to the first point, there is a seeming disconnect between local and international approaches. Thirdly, the limited appreciation of new actors, newly emerging issue areas and novel approaches that challenge established paradigms make it all the more difficult to define the scope and parameters of intervention and collaboration.

The question we seek to interrogate is: what are the important areas of divergence and convergence in the approaches to African conflict resolution and peace-building between the North and Africa?

The paper is divided into four major parts. The first part deals with methodological issues in conflict resolution in Africa, highlighting the divergences in the Western and African perspectives. The second part critically analyzes the existing conflict prevention/management framework in Africa. While section three elaborates on the debate around humanitarian interventions in African conflicts, section four focuses on two recent experiences and lessons that could serve for future crisis response.

II. METHODOLOGICAL ISSUES IN CONFLICT RESOLUTION: APPROACHES TO OWNERSHIP, DEFINING PEACE-BUILDING PRIORITIES AND SEQUENCING ACTIVITIES

In 2005, former United Nations Secretary-General Kofi Annan promoted the idea of "an interlocking system of peacekeeping capacities…with relevant regional organizations" providing complementary capacities for an overburdened UN.[i] The last ten years have witnessed the materialization of such a regime. A multi-actor game of peacekeeping has emerged in which the African Union (AU), European Union (EU), United Nations (UN) and Regional Economic Communities (RECs)/Regional Mechanisms (RMs) are the main protagonists.[ii] Beyond peacekeeping are the realities and characteristics of post-conflict interventions. In Africa, these situations are complicated by deep-seated and often historically embedded political conflicts and lack of national consensus on the country's strategic direction, from economic policy to the political governance agenda. This means that interventions in countries torn apart by conflict and dissonance, even if low intensity as in Burundi an Angola, should include support for both social and policy dialogue, which enables key internal actors (potential catalysts and anarchists) to stabilize the internal situation.

But the blurred lines between the public and the private realms, and between state and private interests, in post-conflict scenarios make governance structures objects of

contestation. There are many cases where interventions interact with formal authorities incapable of repulsing administrative challenges at various levels, and weak economic institutions vulnerable to manipulation and monopolization. The disregard by the North of African policy and public opinion on these matters will lead to little premium on their legitimacy and accountability.

Broadly, North – South divergences in both policy and action in PCR have to do with the epistemological and political orientation, and definition of conflict management and conflict 'handling' intervention. How the term 'conflict resolution' is defined and apportioned, for instance, including or omitting particular conflict strategies, escalation, minimizing complications, containment, resolution and transformation as sub-topics all contribute to the accuracy or inaccuracy in defining the concept of conflict management.[iii] Inaccuracy in defining concepts has led, in turn, to problems in the methodology of studying and handling conflict. Crisis leadership in conflict resolution then involves five critical tasks:

1. Sense-making;
2. Decision-making;
3. Meaning-making;
4. Terminating; and
5. Learning.[iv]

But there are common threats to African and international policymakers in their endeavor to define the activities of crisis management and resolution in accordance with the following stages: conflict prevention; conflict mitigation; conflict intervention requiring critical decision-making; and post-conflict reconstruction, emphasizing a return to normalcy. What sows divergence is the interpretation and practice of policy on the ground and the diplomatic mannerisms towards achieving these. The initial imperative is often the definition of conflict potential and detection, and the substantive requirements for national security.

Equally, how early warning is defined, as well as the cognitive bias to early warning decision-making, determines the appraisal of the threat and what the crisis is about. Penetrating the events that trigger a crisis in the first place helps determine how adequate the interventions are or how threatening the events are, to what or whom, what their operational and strategic parameters are, and how the situation will develop in the period to come. However, distilling cogent signals from the noise of a crisis is often a major challenge for both Northern and Southern actors, and is largely based on the scope and reach of an early warning system.

The significance of credibility and legitimacy of post-conflict interventions and operations is increasingly shaping the outcomes of both Northern and African strategies. North-South partnerships based on co-interventions and risk mitigation strategies have a better track record towards effective project implementation and delivery. It is very important to include continental stakeholders in Northern intervention strategies, particularly to encourage greater decentralization, while building regional and local conflict reconstruction and governance capacity.

Having said this, African political will and leadership acumen should be understood as critical for the process of post-conflict interventions as well. For this and other reasons, North-South PCR collaborations face many challenges, such as strong vested interests by both African and international players in not developing sufficient autonomy to exercise real influence; the tendency by African and international actors to bypass the AU and RECs in PCR political activities; the reluctance of African governments to cede their sovereign privileges to allow for AU and REC diplomacy; and the incessant imbalance between AU policy and practice, and matching continental resolutions and mandates to capabilities and collectively implementable commitments.[v] As we investigate divergences between North – South approaches to PCR, one should also interrogate where enforcement capacities lie, especially in implementing peace agreements. As aptly put, "Africa looks to Europe and the U.S. -sometimes bilaterally, sometimes under a UN umbrella." To date, this has been done solely on an ad-hoc basis, without a coordinated analysis of how the relations between African intergovernmental organisations and the UN are interfacing.[vi]

Gaps in the northern approach

The selection of interventions by Northern actors have mostly been those that carry a wider political significance, for instance assisting to strengthen perceived helpful political forces, and those that seek to demonstrate a 'peace dividend.' For the most part, the Northern approach has demonstrated a bias toward rapid responses where delivering hurried visible results and capacity-building assistance is defined as most critical and useful in stabilizing fragile peace and preventing renewed conflict. This approach is also manifest in situations of deteriorating governance or rising conflict risk where concepts like Responsibility to Protect (R2P), state capacity-building and democracy and governance promotion have been employed to justify external action. However, it is highly problematic that some western countries and their donor agencies still continue to rely almost exclusively on their formal policy definitions, rather than African conflict contexts. This leads to a lack of appreciation of African institutional and policy diplomatic practices.

Subsequent results in the approach is failure to sufficiently capture key aspects of conflict resolution, state fragility and conflict, as well as underlying 'cultures of power' (i.e. informal power hierarchies) and 'rules of the game' (i.e. entrenched attitudes and behaviors) in conflict contexts. A number of African case studies where Northern interventions have been disproportionately pursued allow for a cursory evaluation of the extent to which Western engagement is adequately focused on the above post-conflict reconstruction agenda, and where the gaps lie. Not all interventions are possible, and some Northern ones have been incompatible with the actual conditions on the ground – including the insecurity itself, the institutional capacity and political will to reform and the various political interests involved. This implies that Northern actions must be adapted as closely as possible to continental institutions and policy, with linkages to local realities and conditions. Admittedly this can be difficult because the information available to Northern actors may be poor, unreliable or biased to their strategic interests.

The Northern approach has also been critiqued for a lack of distinction between "conflict settlements" and "conflict resolution " which sees Northern approaches being aligned to particular domestic actors as a perceived useful strategy to limit and avoid future violence

by promoting positive behavior change.[vii] This can prove ineffective, undermining the development of a more comprehensive process of reconstruction. Questions on Northern interventions additionally interrogate whether their analysis and action is informed by local context and how their initiatives are sequenced to fit this context; the alignment with regional and local priorities as well as government strategies; the recognition of the political security- development nexus; and the existence and related coordination between themselves and other African actors.

As a case in point, the U.S. external assistance support machinery, the United States Agency for International Development (USAID), has a Fragile States Strategy that aims to guide its efforts in reversing a decline in fragile states and advancing their recovery to a stage where transformational development progress is possible. The policy attempts to distinguish between states that are vulnerable and those already in crises. Strategic priorities and programming emphasize security, political, economic and social factors, with four interrelated priorities – enhanced stability; improved security institutional and policy reform; and developing institutional capacities.[viii] Programming in post-conflict states is then governed by the following four principles. First is the need to engage strategically, since the decision to engage will be based upon a country's importance to US foreign policy, as well as the ability of assistance to affect constructive change. Strong donor coordination is particularly critical in these situations. Second is the importance of focusing on the underlying sources of fragility – the governing arrangements that lack effectiveness and legitimacy – rather than the symptoms. Third, USAID attempts to seek short-term impact linked to longer-term structural reform. Finally, it commits to establishing appropriate measurement systems, based on goals and targets that reflect realities on the ground. Key political facets of the USAID strategy include to:

- Support transitional justice and transitional governance arrangements at all levels, as well as transitional elections and political processes;
- Advance a national dialogue and tangible progress toward the country's future, the reconstitution of society and implications for the future (e.g. new constitutions, legal reform, structure of government, symbols of national unity);
- Support the establishment of a functional national government, as well as sub-national and local-level governance entities; and
- Assist independent indigenous media outlets to provide unbiased reporting, expand access to information and reinforce messages of peace and reconciliation.

We argue that the operationalization of this policy can remain at a fairly high level of generality. Miscalculations occur, leading to actions being at odds with strengthening African responses and ownership, policy and activity alignment and harmonization, as well as field presence and capacity to supervise operations. Indeed, 'what crises do' to established political and organizational orders, is absolutely key to defining, understanding and sequencing interventions, as the USAID policy outlines. But U.S. policy must be careful not to view conflict management and reconstruction primarily through the lens of the coping capacity of national governmental institutions. U.S. policymakers should appreciate PCR interventions, first and foremost as a deeply controversial and intensely political activity that requires the political buy-in of continental and regional policymakers, in addition to the

domestic ones.

The methodological approach by the African Union and its institutions

The AU's methodological approach to peace and security is guided first and foremost by the Constitutive Act, wherein the African Peace and Security Architecture (APSA), functioning as an inter-locking system of RECs or RMs[ix] consisting of the PSC, a Panel of the Wise (POW), a CEWS, a Peace Fund and the African ASF, is to be operationalized. Most of these components require close coordination between the RECs/RMs and the AU, inter-regional cooperation, and support from non-African international organizations such as the UN, EU and other individual state donors. In African post-conflict interventions, the application of the principle of subsidiarity reigns supreme. The 2007 MoU between the AU and RECs on institutional cooperation follows this functional logic based on political and institutional 'complementarity and comparative advantage' in fostering effective responses and also expanding the scope for more cooperation between RECs and the AU where required.[x]

Principal issues surrounding the role of the AU in post-conflict situations include the substantive requirements for establishing reconstruction, regional peace and security; the institutional requirements for establishing such an order; and the development of a comprehensive and sustainable approach.[xi] Importantly, by the time a situation is defined as post-conflict by the AU and RECs, they would have determined whether the matter is regarded as solely a domestic issue or as a question of regional, continental or international concern and engagement. This also informs the logic of peacekeeping and the deployment of cooperative peacekeeping operations, determined by the demand and supply for such with reference to individual peacekeeping capabilities, as well as AU/REC capability and capacity gaps. Relevant to this is the 2005 African Post-Conflict Reconstruction Policy Framework, and the African Development Bank's as an illustration of a continental development institution supporting the AU's post-conflict reconstruction and development agenda. This is discussed in detail below.

The 2005 African Post-Conflict Reconstruction Policy Framework serves as a key blueprint that coordinates and guides the AU Commission, the NEPAD Secretariat, RECs, civil society, the private sector and external partners in the process of rebuilding war-affected communities.[xii] A proposed AU/NEPAD Post-Conflict Reconstruction Unit is to serve as the implementing and coordinating institution of PCR. The framework is based on the premise that each country should adopt a PCR strategy that responds to its own particular context, however making a link between the peace, security, humanitarian and development dimensions of post-conflict reconstruction and peace-building. The framework identifies "the lack of sufficient local ownership and participation" in PCR; the unsustainability and ineffectiveness of externally driven post-conflict reconstruction processes; greater collaboration between the AU/NEPAD and RECS, as well as external actors in outlining entry and exit strategies and timetables for external actors interventions; focus on Disarmament-Demobilization-Rehabilitation (DDR) of ex-combatants with a view to ensuring that demobilized fighters have access to rehabilitation programmes that facilitate their transition back into society; and Security Sector Reform (SSR).[xiii]

The five pillars of the framework focus on: security and political transition; governance and

participation; socio-economic development; human rights, justice and reconciliation; and coordination, management and resource mobilization.[xiv] But despite a shared commitment to a set of these overarching principles, challenges arise in PCR implementation, including insufficient domestic legitimization of the decision-making processes and priorities relating to the policy; incoherence and inconsistency in identifying priorities at the country/REC AU levels; and the limited availability of and capacity to utilize policy instruments like diplomacy/negotiation, economic tools, and military means.

Shortfalls in the policy itself have to do with an undefined scope of interaction in PCR processes between international actors and target countries; ambiguous recognition of enabling economic conditions to foster regional and continental integration that promotes peace and equitable development; and the adverse impact of international trade rules and regulations on countries emerging from war, in particular, the potential impact of North-South trade agreements on PCR processes. The potentially innovative role played by indigenous institutions of governance in enhancing and improving the quality of political participation, and the responsiveness of policy interventions has also been flagged as an oversight in the framework. It is in this context that a bottom-up rather than a top-down hierarchy in PCR be promoted.

The African Development Bank's Fragile States Facility (FSF) was established to provide a broader and integrated operational framework through which the Bank can more effectively assist countries emerging from conflict or crises, to consolidate peace, stabilize their economies and lay the foundation for sustainable poverty-reduction and long-term economic growth.[xv] The Bank has adopted a continuum approach that distinguishes between situations of fragility characterized by marked deterioration, active conflict or prolonged crisis, post-crisis and transition, and gradual improvement. More recently, the AfDB has integrated continuous dialogue of various forms as a strategic tool in its support for post-conflict states. It uses this to also influence the evolution of policy and regulatory mechanisms in post-conflict countries it supports.

The imperative for common ground

A key challenge is to build greater understanding of both policy and approach to post-conflict reconstruction between the North and South. Post-conflict modalities should be sufficiently flexible and innovative to enable African institutions to implement their agenda in a way that respond to political events or recurring crises without compromising long-term objectives of African countries and that of the AU. Given the inherently unpredictable and fluid nature of post-conflict situational fragile settings, Northern actors should recognized the need for collaborative and comprehensive scenario planning ('future proofing') as an in-country risk management strategy. Considerations for an exit strategy are also important, including prospects for peace and the impact to neighboring countries. Developing a policy framework for post-conflict engagement in Africa has sought to address a host of multiple and related developmental challenges, inter alia:

- Rebuilding the state and its institutions (including governance, capacity and delivery);
- Economic reintegration of ex-combatants (including DDR);

- Rehabilitating or replacing physical infrastructure;
- Creating employment and devising income-generating activities with a focus on private sector development (i.e. formal and informal);
- Rebuilding the agricultural sector through rural development and access to land;
- Broadening access to credit and financial intermediation services;
- Deepening regional integration as a vector for post-conflict reconstruction; and
- Coordinating with other development partners.

III. PREVENTIVE DIPLOMACY AND CONFLICT MANAGEMENT FRAMEWORKS IN AFRICA: SOME GENERAL CONSIDERATIONS

There is a general recognition today that conflict prevention, be it at the operational or structural level, should be at the heart of all efforts to achieve lasting peace and security. This is largely because conflict prevention measures do not only have the potential to curtail the destruction of human life and property that defines today's violent conflicts, but also require fewer resources compared to efforts to manage or resolve conflicts once they have escalated. The renewed emphasis on conflict prevention has also brought to prominence the notion of preventive diplomacy, which according to the UN constitutes all diplomatic measures deployed "to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur."[xvi] In the contemporary understanding of the concept, the toolkits for preventive diplomacy would include fact-finding missions, mediation efforts and preventive deployment.

In the African context, the emerging peace and security architecture of the AU and the sub-regional mechanisms to prevent, manage and resolve conflicts have all been designed with some measure of emphasis on the prevention of violent conflicts. The AU peace and security architecture, in particular, is built around the authority of the Peace and Security Council (PSC) to respond, in a timely manner, to imminent threats to peace and security in any member state through an array of preventive diplomacy mechanisms including the good offices of the Chairperson of the Commission, as well as mediation efforts by a Panel of the Wise and other eminent African personalities. Operational support in this regard is provided by a Continental Early Warning System, at the centre of which is a Situation Room that should, in principle, be connected to observation and monitoring units in all five regions of Africa, and that generates data on the basis of which the Chairperson of the Commission advises the PSC on potential triggers of conflict. In what has been interpreted as a major qualitative shift from the approach of the former Organization of African Unity (OAU), article 7(e) of the Protocol Relating to the Establishment of the PSC also authorizes the Council to make recommendations to the Assembly of Heads of State of the AU for preventive deployment in cases of impending war crimes, genocide and crimes against humanity.[xvii] However, the delayed operationalization of the African Standby Force means that the application of this provision remains problematic.

According to article 16 of the protocol establishing the PSC, regional mechanisms for conflict prevention, management and resolution are considered to be an integral part of the peace and security architecture of the AU.[xviii] In fact, the preventive deployment system of the AU mentioned above is dependent on regionally-based rapid response brigades, and as already indicated, the AU's early warning system is designed to draw extensively from regional observation and monitoring units. While recognizing that primary responsibility for conflict prevention, management and resolution in Africa lies with the AU, a 2008 Memorandum of Understanding signed between the AU and RECs recommends "adherence to the principles of subsidiarity, complementarity and comparative advantage" in relations between the AU and the RECs on matters of peace and security.[xix]

At present, all AU-recognized RECs, with the exception of the defunct Arab Maghreb Union (AMU)[xx] have put in place institutional mechanisms to prevent, manage and resolve conflicts. The operational capacity and experience of Africa's RECs in this regard differ considerably, with the mechanisms of the Economic Community of West African States (ECOWAS) and perhaps that of the Southern African Development Community (SADC) being the most advanced. However, this does not seem to be the main challenge to the African peace and security agenda, as seen through the lens of the interface between the AU and the RECs. As the recent crises in Cote d'Ivoire and Madagascar have illustrated, of major concern is the lingering challenge in overcoming the institutional competition and tension between the AU and RECs, which has been blamed mainly on the interests and influence of regional hegemons, but also on disparate operational norms by the different RECs.[xxi]

Three key norms underpin the AU's nascent framework for the prevention, management and resolution of conflicts, notably the ideas of non-indifference, the responsibility to protect (R2P), and the notion of 'African solutions to African problems.' These norms are enshrined in major documents including the Constitutive Act of the AU (2000), the Protocol relating to the establishment of the Peace and Security Council of the AU (2002), the Ezulweni Consensus on the reform of the UN (2005), the 2004 Common African, Defence and Security Policy (2004), as well as the AU Non-Aggression Common Defence Pact (2005). Thus, although AU and African diplomacy generally continue to put a high premium on state sovereignty, there is a notable institutional shift in favour of a more qualified interpretation of the concept, which, together with the emphasis on human security, accommodates non-military and military intervention in a member state in order to preempt or respond to crisis situations.

As discussed below, the gray area between the evolution in institutional norms and the reality of African politics and diplomacy has been the source of tension between Western and African leaders, especially in the domain of preventive diplomacy and mediation in conflicts. A related dilemma is inherent in the notion of 'African solutions to African problems,' which professes a set of comparative advantages that should logically give priority to African peace initiatives, but which must also contend with the problem of inadequate capacity, resources, logistics and political will that currently plague African regional organizations, as well as the influence of forces external to the continent. This also defines the context of some of the divergent perspectives between the West and Africa on issues of preventive diplomacy and conflict mediation.

Western and African perspectives on preventive diplomacy and mediation

The preceding overview of the conflict prevention framework in Africa suggests that the transformation from the OAU to the AU has been accompanied by a normative shift, at least in principle, which embraces progressive ideas such as the R2P doctrine and the notion of 'sovereignty as responsibility.' Given that the international consensus on preventive diplomacy is built around these norms, a case can be made that there is no fundamental difference between Western and African leaders on the philosophy that underpins preventive diplomacy. It is at the operational level, however, that divergent perspectives on preventive diplomacy have emerged.

Perhaps nowhere else is this difference more pronounced than over the mechanism of preventive deployment to ward off the escalation of conflict and minimize casualties. Although the AU's peace and security architecture makes provision for preventive deployment in line with the internationally recognized imperative to protect societies facing serious threats, the African approach to preventive diplomacy continues to weigh heavily on the side of political negotiation at the expense of the use of military force. This cautious approach to preventive deployment has been the object of sharp criticism, most notably from Western powers that it at times fails to take into account the reality on the ground, undermining the very essence of preventive diplomacy.

Underlying this disparate perspective are issues of accountability, responsibility, representativeness, and capacity, as well as lingering concerns about sovereignty and the legacy of the colonial project. African leaders, just like the rest of the international community, have a moral responsibility to adopt all necessary measures, including the timely deployment of troops, to protect people facing an imminent massacre. Without this provision, the R2P doctrine and the entire preventive diplomacy regime would be significantly weakened and their effectiveness would in some instances be subject to the whims of dangerous individuals and groups. In the context of the historical relations of exploitation and paternalism between Africa and Western countries, this reasoning must, however, contend with suspicion from some quarters of the African leadership over the real intents or ultimate outcomes of preventive deployment operations.[xxii] The fact that the UN Security Council, which has ultimate responsibility for preserving global peace and security and authorizing preventive deployment, is seen as unrepresentative and serving the interests of Western powers only strengthens these misgivings and the case made around them.

Chapter VIII of the UN Charter, which outlines the modalities for the sharing of responsibilities for maintaining international peace and security between the UN Security Council and regional and sub-regional organizations, provides a good mechanism through which these differences could be effectively reconciled. In fact, the African leadership has invoked this provision several times to argue that given its superior understanding and interest in African conflicts, it should be given the lead in peace processes in Africa, including in cases of preventive deployment, albeit with the financial and diplomatic support of the UN. The adoption of Resolution 2033 by the UN Security Council on 12 January 2012, committing the Council to enhancing its relationship with the AU in the domain of conflict prevention and resolution, represents a step in the right direction. This arrangement will

create the space for a convergence of perspectives of Western and African leaders on the prevention, management and resolution of conflicts in Africa. However, although the resolution was unanimously adopted by all 15 members of the Council, the high-level debates that preceded its adoption underscored some fundamental issues that would need to be addressed in order to consolidate the move towards effective collaboration between the UN and the AU.[xxiii]

In the context of preventive diplomacy in general, and preventive deployment in particular, the weak capacity of African regional and sub-regional organizations, coupled with the institutional tensions between the AU and RECs identified above deserve particular attention. The experience of ECOWAS during the 2011 post-election crisis in Cote d'Ivoire illustrates that without the capacity and political will on the part of African regional and sub-regional organizations to initiate preventive deployments in the face of real threats to civilian lives, the responsibility will inevitably fall back on the UN, with the potential to continue reinforcing the tension between Western leaders and their African counterparts. Also fundamental to reconciling the divergent perspectives of Western and African leaders on preventive diplomacy is the reform of the UNSC to broaden its representation and democratize the exercise of its powers. This would assist in addressing perceptions that the Council's preventive operations in Africa are motivated by the national interest imperatives of its current western permanent members.

The same set of issues and concerns come into play in the debate over the appropriateness of enforcing accountability measures in the midst of mediation efforts. Western approaches to managing conflicts seem to place a high premium on upholding the rule of law and ensuring that individuals who bear the highest blame for serious violations of human rights are brought to justice as part of a peace process. The primary thinking behind this principled approach is that holding perpetrators accountable for gross human rights violations in times of violent conflict would serve as a deterrent to others and break the cycle of impunity in Africa. It must be noted that there is a growing constituency in Africa that favours the incorporation of accountability measures into peace processes, particularly within the civil society. However, a segment of the African leadership continues to resist this approach, as evident in the rejection of the involvement of the International Criminal Court (ICC) in African conflict situations, such as the Darfur crisis and the Lord's Resistance Army (LRA) rebellion in Northern Uganda.

From an African perspective, the argument is not against accountability for serious crimes committed during conflict, but against an insensitive and inconsistent application of the principle. African leaders contend that the dynamics of some conflict situations on the continent make the dogmatic pursuit of accountability incompatible with mediation efforts. This necessitates a pragmatic approach, which in some instances could mean circumventing the accountability imperative for the sake of brokering a peace agreement that would end violence and save lives. As Fabienne Hara has observed, the African perspective that sometimes considers the pursuit for justice to be detrimental to mediation processes is also partly informed by perceptions of an inconsistent and selective invocation of accountability principles by Western powers, resulting in the former dismissing the drive for accountability during peace processes as 'judicial imperialism' by the West against Africa.[xxiv]

It is evident from the arguments on both sides that the essence of the controversy is not an inherent incompatibility in the search for peace on the one hand, and the pursuit for justice and accountability on the other hand. What appears to be at stake is the challenge to disentangle international instruments for the promotion of human rights from the *realpolitik* of international relations, as well as finding complementarity between modern and traditional African notions of transitional justice. The fact that the UN Security Council, which is dominated by powers that have not ratified the Rome Statute establishing the ICC, reserves the right to refer particular cases to the ICC inevitably opens this judicial process to political controversy regardless of what the motives might be. The same reading could be made from the observation that African leaders like Uganda's Yoweri Museveni and the Democratic Republic of Congo's Joseph Kabila who have accepted the jurisdiction of the ICC have done so only to foster their own political agendas.[xxv] The second challenge applies to how to reconcile the legalistic and adversarial approach to peace-building, as embodied by the ICC, with traditional African justice and reconciliation practices centered on collective responsibility and the restoration of social relationships.

The element of cultural diversity reflected in the preceding discussion also sits at the root of opposing perspectives held by Western and African policymakers and practitioners on how to mediate in African conflicts generally. Western approaches to conflict mediation have been criticized by African practitioners, policymakers and scholars alike for being coercive and having a high preference for 'quick-fix' solutions.[xxvi] This approach to mediation is often seen as not only overlooking the complexities of contemporary intrastate conflicts in Africa, but also as falling short of an understanding of the cultural norms and values that sustain relationships in African societies and the mechanisms to restore relationships once they have been broken by conflict.

Notwithstanding the cultural diversity of African societies, a common philosophy underpins mediation and peace-building exercises on the continent – the focus on building broken relationships and creating conditions for conflict parties to co-exist in an atmosphere of trust. This focus on creating conditions for long-term interdependence means that mediators must painstakingly seek to unearth and address all the facets of a conflict, while also prioritizing inclusive outcomes that take into account the interests of all parties, be they perpetrators or victims of the conflict. This approach to conflict mediation, which is exemplified in the AU's frequent resort to 'Road Maps,' has attracted criticism in several instances from Western leaders who tend to interpret it out of its cultural context. African leaders have been accused of being hesitant to act and inefficient in their mediation efforts. The violent and destructive nature of contemporary conflicts may, at times, justify these accusations, such as when mediation efforts are seen to be encouraging the uncooperative attitude of a conflict party whose course of action poses a threat to civilian lives. However, these accusations most often conceal an observed Western preference for quick solutions and the use of coercive techniques like sanctions and public condemnations, which are frowned upon and have proven to be inimical to peace-building in an African context.[xxvii]

IV. HUMANITARIAN INTERVENTION AND PROTRACTED CONFLICTS IN AFRICA

There has hardly been a field of research or policy area that appears as controversial as humanitarian intervention in African conflicts. However, the controversies are not new and not peculiar to the African continent. Throughout world's history, the concept of external intervention in domestic affairs was resented by many nations including the most advanced ones. Indifference was the norm and the notion of sovereignty came to consolidate the principle of non-interference in sovereign state affairs. Many treaties even went as far as to codify and institutionalize the norm on non-interference or indifference in their provisions. In 1648, when the main European powers signed the Westphalia treaty, the main concern was not to foster humanitarian principle even though they were aware that there is a need to "protect minorities" but to preserve their territorial integrity and sovereignty. [xxviii]

At the end of the Second World War, even with the atrocities committed including the holocaust, the United Nations still found it important to insist on the notion that "nothing should authorize intervention in matters essentially within the domestic jurisdiction of any state."[xxix] The United Nations was established to prevent wars between states and is fundamentally rooted in the Westphalia notions of sovereign equality, territorial integrity, and non-interference. Article 2.1 of its Charter states: "The organization is based on the principle of sovereign equality of all its members."[xxx] The idea behind that was to protect the physical and political integrity of all states, no matter how powerful or weak, in order to ensure international peace and security. In other words, the UN founding fathers were convinced that only by having national sovereignty respected could states stop suffering from imperialist ambitions and oppressions that historically were mostly responsible for major international conflicts.

As a consequence of the high priority given to state sovereignty in the name of global peace, the world witnessed, with a depressing regularity, massive violations of human rights and even genocide within the state without any significant reactions taking place. Examples include Tibet in the 1950s, East Pakistan in 1971, Biafra, Nigeria from 1967-1970, Sudan 1956-1972 and from 1983-2010, East Timor in 1965 and 1975, Uganda from 1971-1979, and Cambodia from 1975-1979 to mention only the most conspicuous cases. Chapter VII of the UN Charter, which provides the legal foundation for collective security and empowers the Security Council to remove any threat to international peace and security if necessary by force, did not help much either.[xxxi]

The 15 member UN organ is entrusted in the terms of article 39 of the charter to determine the existence of any threat to peace, breach of peace or act of aggression and shall make recommendations, or decide what measures shall be taken to maintain or restore international peace and security. In this regard, only the Security Council can mandate external intervention where there is a threat to international peace and security. Yet, although the Security Council is composed of 15 members, only five members are really important in the process of the decision-making and have veto power – The Republic of China, France, Union of Soviet Socialist Republics (now Russia), the United Kingdom of Great

Britain and Northern Ireland, and the United States of America. Article 27.3 states that decisions of the Security Council shall be made by affirmative vote of nine members including the concurring votes of the permanent members. This implies unanimity among the five permanent member States (P-5) for the Security Council to decide and take action required by a particular problem seen as a breach or a threat to peace and security.

Meanwhile, efforts to implement the collective security system were stymied during the Cold War period. Only when the Soviet Union was absent during decision-making was the Security Council able to authorize collective action in Korea in 1950. The return of Soviet Representative to the Council table on August 1, 1950 precluded any further agreement on external intervention.[xxxii] The UN Charter Chapter VII motivated sanctions against South Africa in the 1980s, but were an exception, while the most significant and successful albeit controversial collective security measures were taken against Iraq during the Gulf crisis in 1990-1991.

Even in the post-Cold War era, the collective security in practice has mostly involved the imposition of sanctions, including arms embargoes, with the use of force being far more selective and problematic. More, the Security Council is free to call whatever it wants a threat to international peace and security. As Winrich Kuhne indicated, the Security Council is a political organ. According to the Charter, it is free to act. Article 41 and 42 of the UN Charter state it "may" act, but it has no obligation to do so.[xxxiii] And by stating that "nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter," Article 2.7 does on its face inhibit the UN's possibilities to react promptly to deadly internal conflicts, which later on have had international repercussions.[xxxiv]

Africa's perspectives on humanitarian intervention

The debate of humanitarian intervention has gained momentum in Africa, certainly with the changing nature of conflicts dynamics that provide compelling cases for actions and intervention in domestic affairs in the 1990s. The continent has it share of violent armed conflicts fought within the borders of the state with disastrous consequences. Indeed, the aim of the armed conflict in the post-Cold War era is two-fold. It is a war conducted by warlords (non-state actors) who want to control the political power. It is also a total warfare to have access to natural resources. Characterized by guerrilla-style warfare and conducted by part-time participants, the post-Cold War conflicts in Africa inevitably resulted in excessive civilian deaths and injuries, extensive damage to health and education systems, and substantial movements of refugees and displaced persons.[xxxv] Yet, as Samkange pointed out, the trend towards intervention, especially for humanitarian and other motives, has not been enthusiastically welcomed in post-colonial Africa.[xxxvi]

> *"The ad hoc and sometimes seemingly arbitrary nature of the interventions that have taken place in the past has given many governments and commentators cause for concern, and the stakes in the intervention debate are therefore extremely high, especially for Africa. On the one side is the potential ability to take effective action to save large numbers of human lives*

or perhaps defend essential human and humanitarian interests. On the other side is the very real danger that poorly planned or executed interventions will do more harm on the ground than good, while weakening the norm of non-intervention in international relations may increase the likelihood and potential for conflict between and among states."

Historically, Africa has defended its hard-won sovereignty and frequently resorted to this argument to resent any suggestion for foreign intervention understood as a foreign military presence. While this was premised on the political dynamics in the post-colonial setting and the disastrous experience of colonial and foreign occupations, the argument of non-interference served mostly as a cover for dictatorship and gross human rights abuses. Until 1980, South Africa's apartheid regime defended its racist policy as a matter of domestic jurisdiction while Zimbabwe recently brandished sovereignty to justify political repression unleashed on the citizens. But if democracy and respect for human rights were sensitive issues during the Cold War era, the reality of the 1990s conflicts and their consequences forced African leaders to reassess their normative position as far as humanitarian intervention is concerned. The civil war in Liberia in the early 1990s compelled the regional organization, the Economic Community of West African States (ECOWAS), to send troops (Monitoring Group) in Monrovia to curb the onslaught that Charles Taylor and his rebel group, the National Patriotic Front of Liberia (NPFL), unleashed on the country.

The decision was derived from the fact that Western powers appeared no longer willing to take casualties and who were reluctant to respond to African people's plight. The setbacks in Somalia were contributing factors to a situation where influential United Nations Security Council members grew wary of contributing to missions headed for Africa's civil war scenarios in the early 1990s.[xxxvii] Therefore, as controversial as it was, ECOMOG intervention contributed to the stabilization of the country and provided the UN forces with some peace to keep.[xxxviii] Two major consequences emerged from this intervention.

Firstly, there was a realization that Africa and its leaders could no longer remain 'indifferent' in the face of humanitarian tragedies brought about by internal armed conflicts, as some of them could have international or cross-border impacts detrimental to regional peace and stability.[xxxix] Secondly, with this experience, African regional and continental organisations (AU and ECOWAS) made significant normative and constitutional strides towards a more robust conflict management capability, which may, in some circumstances and on a case-by-case basis, be employed to prevent or stop ongoing human rights abuses and atrocities. Indeed, inspired by the search for 'African solutions to African problems,' the AU has become the primary formal actor in the area of civilian protection and peace operations on African soil.[xl]

In 2002, following the transformation of the OAU into the AU, the first Chairperson of the African Union Commission, President Alpha Oumar Konare, called for the need to shift from a culture of non-intervention to a culture of non-indifference.[xli] The codification of that norm came through the adoption of the AU Constitutive Act. In essence, its article 4(h) affirms 'the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.' In the same vein, article 4(j) declares 'the right of Member States to

request intervention from the Union in order to restore peace and security.' Finally, article 7(e), of the Protocol on the Peace and Security Council, states that the Council can 'recommend to the Assembly (of Heads of State), intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.'[xlii]

The dual processes of normative shift and institutional transformation signaled the imperative to respond to new security threats and to bring the African Union closer to the plight of the citizens. Currently, the African Union peace and security architecture is considerably well developed with an African Standby Force project. A key question is whether this is still useful for the changing conflicts dynamics on the continent.[xliii] However, in spite of all the progress made, the emerging norm of 'non-indifference' has by no means supplanted that of non-intervention. This principle conflicts with, but has not challenged, the AU's core constitutive norms of sovereign equality and non-intervention.[xliv] Questions remain regarding the degree of support for and internalization of the AU's norms and institutional structures within the AU membership.[xlv]

IV. AU AND THE RESPONSIBILITY TO PROTECT: LESSONS FROM LIBYA AND COTE D'IVOIRE

The crises in Cote d'Ivoire following the disputed elections of November 2010 and the Libyan revolution somehow revived the divergent views on external interventions in African conflicts. At the heart of the controversies, is the principle of the Responsibility to Protect (R2P). There were concerns that the UN peacekeeping forces' intervention in Cote d'Ivoire's post-electoral crisis on the basis of that principle and the NATO military operation (no-fly zone) in Libya went beyond their initial mandate to protect civilians, mainly because of the active and aggressive role played by the Western powers in arresting former President Laurent Gbagbo and the arrest and the killing of Muammar Gaddafi by the Libyan rebels. This argument is based on the notion that the West had, for many decades, struggled to engineer a regime change in Libya (revenge of Gaddafi misdeeds) and lately in Cote d'Ivoire (perceived anti-French stance by Laurent Gbagbo) as a means of re-establishing its stranglehold on these countries.[xlvi]

R2P is a broad notion without strong consensus among scholars, politicians and practitioners. While protecting civilians in peril during armed conflicts has become a universal imperative, operationalizing it has become equally challenging and subject to disagreements. Simply put, R2P is based on the responsibility of States to protect their own citizens. In fact, R2P outlines the possible actions by the international community in terms of providing assistance and strengthening the capacity of States, and lays the framework for a resolute response by the international community to serious crises.[xlvii] According to the International Commission on Intervention and State Sovereignty (ICISS), R2P is generally premised not only on the importance of prevention, but also on the readiness of the international community's responsibility to protect civilians with the possibility to undertake coercive military intervention in serious cases of crimes against humanity and threat to

international peace and security, based on a decision by the Security Council under Chapter VII of the UN Charter.[xlviii]

The divergences do not necessarily emanate from the principle itself but from practical difficulties in its implementation. At the same time, the African Union, whose position was seen as at odds with the international consensus articulated in the implementation of Resolution 1973 that authorized NATO intervention in Libya failed to respond timely and pragmatically to the plight of citizens caught in the vicious cycle of state-sponsored violence and human rights abuses. Even though the continental organization has articulated a political solution to the crisis, the perceived ambiguity in the AU's position stemmed from the inability to interpret, qualify and communicate adequately what was taking place in North Africa, and specifically in Libya. As Thomas Alberts rightly indicated, while deliberations in multilateral forums like the UN were rapidly converted into tangible actions directed from NATO's Brussels headquarters and decisions by the International Criminal Court (ICC) in The Hague, the AU appeared to dither and seemed hesitant or unable to articulate a coherent position.[xlix] This definitely provided the opportunity to NATO and the Arab League to undermine the continental organization,[l] a feeling that might have consequences for future initiatives.

In Cote d'Ivoire, it is important to note that while France's role was controversial, it took place within the framework of the UN's mandated peace mission against the backdrop of a leader who disregarded the electoral results recognized by ECOWAS, endorsed by the AU and supported by the wider international community. In this sense, the UN Security Council Resolution 1528 adopted in 2004 provided for the involvement of UN forces supported by French troops to help Cote d'Ivoire achieve peace. In terms of the resolution, the UN mission in Cote d'Ivoire (UNOCI) is:

> *"To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment."*[li]

The narrow interpretation of this mandate left the UN undecided about whether to use force while the regime unleashed its repressive machinery against unarmed civilians. Indeed, as the humanitarian crisis worsened, the incumbent government through media propaganda called for its supporters to attack UN peacekeepers, creating a serious dilemma for the UN Mission on how to respond to such provocation. The UN was reluctant to implement its mandate provided for in UN Security Council Resolution 1528 that clearly permitted the use of force to protect civilians if government forces found themselves unable to do so. As in the case of Libya, not reacting in the face of the growing threat and hatred in Cote d'Ivoire could have led to a Rwanda-like genocide scenario.

The adoption of UN Resolution 1975[lii] on 30 March 2011, was partly in response to the request by ECOWAS to the UN Security Council to take responsibility in Cote d'Ivoire, especially in light of the fact that diplomatic efforts had only yielded limited results and the intransigence of authorities in Abidjan provided almost no room for a peaceful resolution of

the conflict. Former rebels converted into the Forces Republicaines de Cote d'Ivoire (FRCI) with the support of some defected regular army officers, which opened many military fronts that overstretched the capacity of what remained of the National Security and Defense Forces (NSDF) loyal to Gbagbo. At the same time, Abidjan became a battleground between the so-called 'Invisible Commandos,' led by disgruntled army officer Ibrahim Coulibaly,[liii] many self-proclaimed militias, and Laurent Gbagbo's Special Forces. The risk of generalized violence with potential use of heavy weapons against civilians was imminent.

Ramesh Thakur, one of the leading experts of the International Commission on Intervention and State Sovereignty (ICIS) argued that while the jury is still out on whether NATO military action in Libya and the intervention in Cote d'Ivoire would consolidate or soften the R2P norm, the two interventions marked a pivotal rebalancing of interests and values.[liv] For him, despite the doubts, the alternative of standing idly on the sidelines yet again would have added to the shamefully long list of rejecting the collective responsibility to protect. Had the world shirked its responsibility, Libya could have been the graveyard of R2P and the UN might as well have sounded the last post for it.[lv]

One of the most visible lessons one could draw from the interventions in Libya and Cote d'Ivoire is that the African Union leaders are still sharply divided on the notion of external intervention in spite of the adherence to the principle of R2P. Two dynamics arose from this. Firstly, the anti-imperialist rhetoric was advanced while the credibility of the continental organization was questioned regard their stance on peers who unleashed extreme violence on their own citizens. Secondly, one needs to interrogate the insistence on homegrown solutions, peaceful solution even when the threat of gross human right abuses has become imminent.

The second lesson is that Libya and Cote d'Ivoire experiences appear to have brought back the UN Security Council into the "Cold War" politics. As Thakur said, "There were inconsistencies in the muted response to protests and uprisings in Bahrain and Saudi Arabia, where Western geopolitical and oil interests are directly engaged, and with the lack of equally forceful military action in Syria and Yemen. Western failures to defend the dignity and rights of the Palestinians under Israeli occupation have been especially damaging to their claims to promote human rights and oppose humanitarian atrocities universally instead of selectively."[lvi] The indirect consequence of this interpretation is the use of veto power to defeat any prospective interventionist initiative (Syria or elsewhere). The challenge for both the West and the rest is to strike the balance between norm consolidation and unnecessary abuses. Even though it is understood that R2P is not only about military intervention, there is now a perception that war has become an easy option to resolve complex humanitarian crises.

V. CONCLUSIONS

Regardless of the developments in regional or continental mechanisms for conflict prevention, management, resolution and post-conflict reconstruction, the UN still remains the most important actor when it comes to international peace and security. When it comes to the maintenance of international peace and security, the UN has unrivalled

legitimacy. This legitimacy stems from the UN's universal membership, its explicit commitment to peace and security, and its limited, but important, formal powers and instruments for implementation. The UN charter defines the principles governing the relationships among its members and different ways of resolving the problems facing mankind. Its main mission is to protect future generations from the scourge of war by preventing conflicts, primary between states. But the protection of civilian population in general, and women and children particularly, is part of the UN mission as well.

The main contention is, in the context of armed combat fought between government forces and organized irregular military group within the borders of a state with its corollary human rights abuse, how does the UN define the 'threat to peace and international security' or 'breach of peace?' Secondly, how can principles protecting human rights and civilians, victims of warfare, be reconciled with principles prohibiting UN intervention in 'domestic jurisdiction of a sovereign state,' mainly when states are no longer able to fulfil their traditional functions of protecting their own citizens? These moral and political dilemmas arising from the nature of the post-Cold War conflicts were not anticipated by the UN founding fathers and the UN security system and represent profound moral and political challenges that remain the basis of disagreement between external actors and post-colonial entities.

However, this study reveals that there are some clear commonalities between African and external policies as far as preventing, managing, and resolving conflicts are concerned. While these principles set out an emerging consensus on good practices, they remain muddled in either neglect or confusion at the level of process and implementation. Nonetheless, they should constitute the normative and strategic underpinnings of what essentially comprises a joint and collaborative North-South Framework for interventions in conflict or post-conflict situations. In the final analysis, models and principles underpinning external engagement should be flexible to change in ways that respond to the inherent fluidity of conflict, post-conflict and fragile situations in Africa. The revitalization of sub-state, local or indigenous capacities of political participation and regulation should also underpin conflict management policy and action, in light of the crisis of legitimacy African states experience mainly after conflicts. In order to respond appropriately, the following recommendations to Northern partners are proposed:

- *Understand African subsidiarity and diplomacy:* Northern actors should make room for continuous dialogue using both African bilateral and multilateral fora to better understand the rules and procedures of conflict management, post-conflict interventions and how to define a proactive agenda without rule violation
- *The AU and RECs as essential entry points:* Northern partners should apply an engagement model that allows them to identify and work with continental, regional and national drivers of change nationally. This can effectively complement continental models of intervention, avoiding duplication and dislocation. It also limits frequent de-legitimization of their role and controversies that may arise from common shifts in mainly post-conflict settings.
- *Definition and clarity of North-South mandates:* Northern actors should make their overriding goal of intervention abundantly clear so they distinguish themselves in fields where they are eligible and required.

- *Provide Institutional support:* It is necessary to support continental mechanisms for conflict prevention, management, resolution and post-conflict reconstruction. Special purpose facilities are often customized to the unique conditions of countries affected by conflicts.
- *Sequencing partnerships:* Attention to sequencing of interventions at all levels and across sectors (political-administrative, security, and socio-economic) to ensure long-term sustainability of investments. The partnership approach also assist in synergize accountability and regulatory requirements to avoid a conflict relapse.
- *North-South dialogue must be supported:* Support should be given to the promotion of genuine, open and sustained dialogue involving Western policymakers, practitioners and scholars and their African counterparts to facilitate a shared understanding of the varying concerns and interests that bedevil mutually beneficial cooperation in the domain of preventive diplomacy and conflict mediation. UN Security Council Resolution 2033 on enhancing strategic partnership between the Council and the AU provides one opportunity for initiating such dialogue.
- *Incorporate democratic processes into international institutional practice:* There should be a real commitment from Western leaders towards strengthening international regimes for preventive diplomacy by democratizing their decision-making processes. To this end priority should be given to the reform of the UN Security Council, given its mandate to maintain international peace and security.
- *Strengthen institutional capacity-building:* International development assistance from Western countries should be refocused on strengthening institutional capacity-building both at national and regional levels. At the national level, such support should go both to the state and to civil society in order to strengthen processes of accountability. This would go a long way in preventing conflict and responding efficiently to them if they happen to arise.

The Institute for Security of Studies (ISS)

ISS is a pan-African applied policy research institute headquartered in Pretoria, South Africa with offices in Cape Town, South Africa, Nairobi, Kenya, Addis Ababa, Ethiopia and Dakar, Senegal. The ISS is an established think tank working in the area of African human security. It seeks to mainstream human security perspectives into public policy processes and to influence decision makers within Africa and beyond. The objective of the Institute is to add critical balance and objectivity by providing timely, empirical research and contextual analysis of relevant human security issues to policy makers, area specialists, advocacy groups, and the media. The ISS was founded in 1991 by the current Executive Director, Dr. Jakkie Cilliers and P. B. Mertz as the Institute for Defense Policy, which was renamed in 1996 as the Institute for Security Studies. The vision and mission statements, organizational structure, and governance mechanisms of the ISS are depicted below. As a leading African human security research institution, the ISS works towards a stable and peaceful Africa characterized by sustainable development, human rights, the rule of law, democracy, collaborative security and gender mainstreaming. The ISS realizes this vision by:

- Undertaking applied research, training and capacity-building;
- Working collaboratively with others;
- Facilitating and supporting policy formulation;
- Monitoring trends and policy implementation;
- Collecting, interpreting and disseminating information; and
- Networking on national, regional and international levels.

To conceptualize, inform and enhance the debate on human security in Africa in order to support policy formulation, implementation and decision-making at all levels. The core values of the ISS are: Sustainable Development; Democracy; Human Rights; Rule of Law; Collaborative Security; and Gender Mainstreaming.

The Institute for Global Dialogue (IGD)

IGD is an independent South African-based foreign policy think tank dedicated to the analysis of, and dialogue on the evolving international political and economic environment and the role of Africa and South Africa. It advances a balanced, relevant and policy-oriented analysis, debate and documentation of South Africa's role in international relations and diplomacy. The Institute aspires to become a foreign policy think tank of choice through cutting-edge policy research and analysis, catalytic dialogue and stakeholder interface on global dynamics that have an impact on South Africa and Africa. The IGD was founded at an opportune time during the evolution of the new South Africa in 1994 with the assistance of former president, Nelson Mandela, and the former German Chancellor, Helmut Kohl. It was initially established as a foundation to study social, economic and political dynamics in the global environment that would have an impact on South Africa and Africa. After a strategic review in the 1990s, the IGD became an Institute, and crystallized its research agenda around three broad programmatic focuses in order to strengthen its analytical and dialogue focus. These include South Africa's foreign policy analysis, African dynamics, as well as multilateral governance analysis. The IGD boasts a small, highly-competent team of

researchers and project administrators. This team is complemented by a network of fellows and associates that work part-time for IGD as and when there are funded projects. IGD's research staff teaches at universities and training colleges, and also frequently participates in media commentary on international developments and foreign policy. Besides the proceeds from the investment account built over many years of scrupulous financial management, the bulk of the IGD's revenue is from major consultancy work for the South African government and international organizations, as well as project funding from foundations and trusts. Recently, the IGD's socio-political research, especially the analysis of actor dynamics in countries within Africa has attracted funding from some of the major SA corporations investing in emerging markets

[i] United Nations, In larger freedom: towards development, security and human rights for all Report of the Secretary-General, New York, 21 March 2005.
[ii] Brosig, Malte (2010). The Multi-Actor Game of Peacekeeping in Africa *International Peacekeeping* 17(3), 327-342.
[iii] Hamad, Ahmad, Azem, "The Reconceptualization of Conflict Management", *Peace, Conflict and Development: An Interdisciplinary Journal*, Vol. 7, July 2005, at http://www.peacestudiesjournal.org.uk. pp.
[iv] Arjen Boin et al. The Politics of Crisis Management Public Leadership under Pressure Cambridge University Press, 2005. p.10

[v] The InterAfrica Group / Justice Africa, 'The African Union and Peace and Security', Issues Paper for the African Union Symposium pp. 1-3
[vi] Ibid. p4
[vii] The InterAfrica Group / Justice Africa, 'The African Union and Peace and Security' p. 5

[viii] See United States Agency for International Development (USAID) (2005), Fragile States Strategy. Washington, DC: USAID

[ix] In contrast to RECs Regional Mechanisms are those institutional structures that are not attached to any REC but are considered to provide building blocks for the ASF for example the North African Regional Capability (NARC).
[x] Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, Addis Ababa, June 2008, Article IV (iv).
[xi] Ibid
[xii] See 'New Partnership for Africa's Development (NEPAD), (2005) African Post-Conflict Reconstruction Policy Framework,

Midrand: NEPAD Secretariat
[xiii] Tim Murithi, ' The AU/NEPAD Post-Conflict Reconstruction Policy Framework: An Analysis. Conflict Trends p4
[xiv] Ibid pp. 4-6
[xv] See "African Development Fund (2008) Operational Guidelines of the Fragile States Facility. Tunis: ADF. At: http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/30736191- EN-STRATEGY-FOR-ENHANCED-ENGAGEMENT-IN-FRAGILES-STATES.PDF

[xvi] See appendix of *Preventive Diplomacy: Regions in Focus*, International Peace Institute, December 2011, p42. Available at http://www.ipinst.org
[xvii] See "Protocol relating to the establishment of a Peace and Security Council of the African Union", available at http://au.int/en/sites/default/files/Protocol_peace_and_security.pdf
[xviii] *Ibid*
[xix] See "Memorandum of understanding on cooperation in the area of peace and security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa", http://www.paxafrica.org

[xx] The Arab Maghreb Union has for years been dysfunctional largely because of the diplomatic row between Morocco and Algeria over the Western Sahara question. An initiative by the new Tunisian President may, however, result in its revival.
[xxi] Powell, Kristiana, "The African Union's emerging peace and security regime: Opportunities and challenges for delivering on the responsibility to protect" ISS Monograph Series, No. 119, May 2005, pp20-21.
[xxii] See Open Letter by a group of African intellectuals and leaders "To the Peoples of Africa and the World from Concerned Africans. Libya, Africa and the New World Order – July 2011", *The Thinker*, Vol. 31, September 2011, pp3-5.
[xxiii] See "Security Council commits to 'effective steps' to enhance relationship with African Union in conflict prevention, resolution, with unanimous adoption of 2033(2012)", available at http://www.un.org/News/Press/docs/2012/sc10519.doc.htm

[xxiv] Hara, Fabienne, "Preventive Diplomacy in Africa: Adapting to New Realities" in Preventive Diplomacy: Regions in Focus, International Peace Institute, December 2011, p6.

[xxv] See Villa-Vicencio, Charles, "The ICC in Africa: Judicial imperialism or legal complementarity?", *The Thinker*, vol. 26, 2011, p41.
[xxvi] Nathan, Laurie, "When push comes to shove: The failure of international mediation in African civil wars", *Track Two* Vol.8 No.2 , November 1999, pp7-11.
[xxvii] Ibid.
[xxviii] Gareth Evans, Ethnopolitical Conflict: When is it Right to Intervene?, University of Melbourne, Australia, March 2011,
[xxix] United Nations Charter, Article 2.7.
[xxx] United Nations Charter, Aticle 2.1.
[xxxi] United Nations Charter, Chapter VII, Article 39 and 42. at http://dx.doi.org/10.1080/17449057.2011.552354.
[xxxii] A. Leroy Bennett, International Organisations: Principles and Issues, Second Edition, Prentice-Hall, USA, 1980, P 152.
[xxxiii] Winrich Khuhne, The Security Council and the G8 in the New Millennium: Who is in charge of International Peace and Security?, 5th International Workshop, Berlin, June 30 – July 1, 2000, P 8.
[xxxiv] Ibid.
[xxxv] Goodwin-Guy and I Cohn, Opcit. P 56
[xxxvi] Stanlake, JTM, Samkange, African Perspectives on Intervention and State Sovereignty, Institute for Security Studies, African Security Review, Vol.11, No.1, 2002, P.8-21.
[xxxvii] Linnea Bergholm, The African Union, the United Nations and civilian protection challenges in Darfur, Working Paper Series No. 63, Refugee Studies Centre, Oxford Department of International Development University of Oxford, 2010.
[xxxviii] David Zounmenou, Managing Post-War Liberia: Issues and Challenges, West Africa Review, Issue 12 & 13 (2008).
[xxxix] Paul, D, William (2007), From Non-Intervention to Non-Indifference: The Origins and Developments of the African Union's Security Culture, African Affairs, vol.106, no.423, pp.253-279,
[xl] Linnea Bergholm, Opcit, p.12.
[xli] Tim Murithy, 2007. The African Union's Transition from Non-Intervention to Non-Indifference: An Ad hoc Approach to the Responsibility to Protect? Centre for International Cooperation and Security, Department of Peace Studies, University of Bradford.

[xlii] See the Constitutive Act of African Union.
[xliii] Violent conflicts are in sharp decline in Africa lately compared to a decade earlier. But political violence resulting from unconstitutional changes of governments, elections-related violence are on the rise.
[xliv] Linnea Bergholm, Opcit
[xlv] Ibid.
[xlvi] David Zounmenou and Reine Sylvie Loua, Confronting Complex Political Crises in West Africa: An Analysis of ECOWAS Responses to Niger and Cote d'Ivoire, ISS Paper 230, 2011.
[xlvii] World Summit, (2005) Outcome Documents Report.
[xlviii] ICISS (2001) Report of the International Commission on Intervention and State Sovereignty.
[xlix] *Thomas Alberts*, Africa: The African Union and Libya - On the Horns of a Dilemma, http://africanarguments.org/2011/11/02/the-african-union-and-libya-on-the-horns-of-a-dilemma-by-thomas-alberts, [accessed on the 12 March 2012}

[l] The contradictory stance of the African Union came to the fore when in its various communiqués, AU seemed opposed to "any military intervention, whatever its form" yet its members at the UN Security Council voted for the Resolution 1973. Clearly the AU was suspicious of France and Britain's motivations for foreign intervention in Libya, and perceived the enterprise as a project in regime change disguised as humanitarian intervention.
[li] UNSC (United Nations Security Council). 2004 Resolution S/RES/1528 (adopted by the UN Security Council at its 4 918th Meeting on 27 February 2004).
[lii] UNSC. 2011 Resolution S/RES/1975 (adopted by the UN Security Council at its 6 508th Meeting on 30 March 2011)
[liii] Coulibaly was a Staff Sergeant and made a name for himself with his basketball skills and his military endeavours. He was one of the key instigators of the 1999 coup that brought General Robert Guei, the then head of the army, into power as President. He attempted a second coup in 2002 against Gbagbo, but was unsuccessful

thus paving the way for the descent of Cote d'Ivoire into a civil war that left the country virtually divided. Coulibaly then retreated northwards from Abidjan and helped establish the Forces Nouvelles, which soon gained control over the Northern half of the country until his relationship with Guillaume Soro, who was then Forces Nouvelles Secretary-General, soured owing to a fierce power struggle within the ranks of Forces Nouvelles. With the post 2010 electoral conflict, he sought to reestablish himself as a powerful actor in the country in his own right. Coulibaly was the key initiator of the 'Invisible Commandos', a rebel grouping which assisted in undercutting Gbagbo's security forces at the heart of Abidjan. This group was put in place by Coulibaly and recruited from both national security Forces and rebels.

[liv] Ramesh Thakur, Libya and the Responsibility to Protect: Between Opportunistic Humanitarianism and Value-free Pragmatism, ISS Situation Report, March 2012.
[lv] Ibid, p.3
[lvi] Ibid.