The quest for *Pax Africana*: The case of the African Union's peace and security regime

Solomon A. Dersso*

Abstract

In 1967 Ali Mazrui offered in his seminal work, *Towards a Pax Africana*, the earliest analysis on the need for Africans to assume responsibility for the maintenance of peace and security on the continent. Arguably, the most comprehensive effort towards achieving this ideal was made with the establishment of the African Peace and Security Architecture (APSA) in the context of the transformation of the Organisation of African Unity (OAU) to the African Union (AU). As the institutions and processes constituting the APSA are coming into operation, various questions are raised. Despite the fact that the political ideal of 'African solutions to African problems' underlying the APSA is routinely used in the literature and policy circles, questions still remain on what it actually entails and how it informs and shapes African policy making on peace and security issues affecting the continent. Most importantly, there is also the question of how far this ideal embodied in the APSA provides Africa with the means for

---

*   Dr Solomon Dersso is senior researcher with the Institute for Security Studies and an adjunct Professor of Human Rights Law with the Centre for Human Rights and School of Law, Addis Ababa University. He is a member of the Editorial Board of the *Journal of African Union Studies*. Currently he serves as legal advisor to the Experts' Panel on the Settlement of the Border Disputes between Sudan and South Sudan established under the AU High-Level Implementation Panel on Sudan, otherwise known as the Mbeki Panel.

achieving *Pax Africana*. In attempting to address these and related questions, this contribution will offer an analysis of the ideal of 'African solutions to African problems' within the framework of APSA and its role and limitations in Africa's quest for maintaining its peace and security.

Introduction

Africa's is a history of a struggle for self-determination. None other than the quest for achieving control over our politics, culture, geography and economics can best capture the essence of the political history of our continent. In the different historical epochs, this quest was expressed in different forms. Apart from rejection of slavery and racial discrimination and inequality, this quest in its recent past took the form of the struggle for freedom from the bonds of colonialism and racial domination. In the aftermath of the end of the Cold War and the onset of a multipolar world order in the 21st century, this struggle is best expressed in Africa's quest for *Pax Africana*, a peace 'that is protected and maintained by Africa herself' (Mazrui 1967:203).

Today, *Pax Africana* is very much associated with and is given expression through the pan-African political ideal of 'African solutions to African problems'. A very important avenue through which member states of the AU have sought to give institutional expression to this ideal is the African Peace and Security Architecture, a comprehensive peace and security regime established under the Protocol establishing the Peace and Security Council of the AU (AU 2002).

Although this powerful and admittedly ambitious political ideal has achieved prominence in the discourse on security on the continent, there has been very little systematic analysis of its meaning and application in the continent's endeavours for resolving the challenges of peace and security.[1] In this context issues that are worth examining include the steps taken to institutionalise this

---

1   Romain Esmenjaud and Benedikt Franke (2009) observed in this regard that '[d]espite their virtual omnipresence in the proliferating literature on peace and security in Africa, the concepts of African Ownership and Africanisation have not been properly defined thus far'.

ideal and the progress made thus far to realise this. Challenges that need to be overcome in Africa's renewed effort to achieve *Pax Africana* also form part of the analysis in this article.

Towards 'African solutions to African problems'

It has already been mentioned that Africa's endeavour to be in control of its destiny has a long history and occupies a central place in African political thought, past and present. One of the manifestations of this in present-day Africa is the rise to prominence of the political ideal of 'African solutions to African problems' in the discourse on peace and security in Africa. To appreciate the profound importance of this political ideal, it is important to understand the immediate historical and political factors that led to its genesis.

While it is clear that the political ideal of 'African solutions to African problems' has its roots in the Pan-African movement (Esmenjaud and Franke 2009),[2] its immediate origins are linked to two related developments. The first one is the end of the Cold War and the emergence of a new global order in which Africa 'lost' its geo-strategic value and was called upon to deal by itself with the mess that the legacies of colonialism and the Cold War left.[3] The second one is the change in the nature of conflicts, which led to the recognition that Africa needs to develop its own means for overcoming the challenges of peace and security facing it.

The end of the Cold War and its impact

The demise of the Cold War has had a profound impact on the political landscape of the continent. This was directly related to the nature of what Thabo Mbeki called the 'Architecture of Cold War Africa'. This was the dominant global framework in which Africa became a major battleground in the ideological and geo-strategic struggle between two camps, the capitalist camp led by the United States of America (US) and the Socialist camp led by the Soviet Union. As Mbeki explained, what led to this unfortunate turn of events was the fear of

---

2   See Mathews 2008.

3   See Mbeki 2012.

countries of the West that independent Africa was ideologically susceptible to join the socialist camp and their determination to 'intervene decisively in Africa to realise the objective, in their view, to achieve the strategic objective to "keep Africa within their sphere of influence" and therefore, as much as possible, deny the Soviet Union any possibility to place Africa "within its own sphere of influence"' (Mbeki 2012).

Whereas Africa was a victim of violent enslavement and subjugation under colonialism, the Cold War turned her into an object of manipulation, a theatre in which countries in the West prosecuted their ideological and geo-strategic battles against the Soviet. To state the obvious, this did not bode well to the process of independence that just began with the forcible removal of colonial powers. It played a major part in obstructing the object of realising the fruits of Nkrumah's 'political kingdom'.[4] Mbeki (2012) summed up the disaster that the Cold War spelled on Africa thus:

> … this resulted in such negative developments as the corruption of the African independence project through the establishment of the system of neo-colonialism, the overthrow of governments which resisted this, support for the white minority and colonial regimes in Southern Africa, seen as dependable anti-communist and anti-Soviet allies, the assassination of such leaders as Patrice Lumumba, Thomas Sankara and Eduardo Mondlane, sponsorship of such instrumentalities as UNITA in Angola and RENAMO in Moçambique, support for predatory and client regimes such as those of Mobutu in the then Zaire, and of Houphouët-Boigny in Côte d'Ivoire …

As the Cold War fuelled some of the longest conflicts in Africa and supported corrupt and authoritarian governments, the hope of a self-determining Africa that the end of direct European colonial rule brought was turned into a nightmare. As it made the fragility of the newly independent states and the various challenges facing them to serve the purposes of the super power struggle,

---

4   Kwame Nkrumah of Ghana famously advised colonial people: 'Seek ye first the political kingdom, and all else shall be added unto you'.

the Cold War frustrated the ability of Africans to independently shape the course of political developments in their countries and on the continent.

While on the one hand the fall of the Berlin Wall in 1989, epitomising the end of the Cold War, marked the closure of the destructive super power interventions and support for corrupt authoritarian systems in Africa, it also simultaneously left Africa in 'the cold'. With the sudden withdrawal of western countries, Africa received the treatment of a toy that was used and thrown away. It was in the following terms that Steven A. Holmes portrayed this state of affairs, 'Having been carved up and colonized by European powers and turned into pawns, knights and rooks on a cold war chessboard by the superpowers, Africa now faces a devastating new problem: indifference'.[5]

Africa was left on its own to deal with all the distortions and mess that the Cold War rivalry left behind in the wake of its demise. As former Secretary-General of the UN, Kofi Annan, put it, 'Across Africa, undemocratic and oppressive regimes were supported and sustained by the competing super-Powers in the name of their broader goals but, when the cold war ended, Africa was suddenly left to fend for itself' (Annan 1998: para. 11).

Two major UN peacekeeping failures in the early 1990s reinforced the disengagement of the West from Africa. The first was Somalia.[6] The other and most disappointing was the failure of the UN mission to halt the 1994 genocide in Rwanda.[7]

Apart from leaving Africa on its own to pick up the pieces, the coincidence of the disengagement from and the neglect of Africa with the deepening of the globalisation process carried the danger of the further marginalisation of Africa. Adekeye Adebajo (2003:3) observed thus, '[w]here Africa had once feared intervention during the cold war, marginalization had now become a greater concern in the post-apartheid era. Attention, aid, and investment shifted to the

---

5   Holmes 1993, as quoted in Mbeki 2012.

6   See Murphy 2007:48–63.

7   See United Nations 1999.

emerging democracies of Eastern Europe, and resources were later diverted from African conflicts to reconstruction efforts in Afghanistan and Iraq by 2003'.

The experience vividly pointed out two important points. First, in the global power calculus of the time Africa was far less significant than other parts of the globe such as the Middle East and Asia to Western hegemonic powers. While former colonial powers, particularly France, were driven by the desire to maintain their hegemony over their former colonial territories, the major motivation for US incursion into Africa was the threat of Soviet expansion.[8] The part of Africa that was of some significant geo-strategic importance for western powers was the Horn of Africa. This was due to its proximity to the commercial sea routes of the Red Sea and the Gulf of Aden and to the Middle East (Clapham 1996:139). Second, African countries individually remained weak both politically and economically. Their capacity to defend themselves and protect their interests in dealing with global hegemonic powers was recognisably limited. This made them vulnerable to easy external intervention. Thus, it seemed that Western powers understood that they could easily intervene in Africa whenever they need to, and they did not need to maintain presence in Africa.

All of these made it unequivocally clear for Africa that it needs to stand for itself. The time was ripe for Africa to heed the prophetic message of Kwame Nkrumah of Ghana on the urgency of African unity: 'Divided we are weak; United, Africa could become one of the greatest forces for good in the world' (Nkrumah 1961:xii). Indeed, as early as 1990, member states of the OAU started to express the need to rededicate themselves for pursuing the objective of African unity more vigorously. Accordingly, in the 1990 OAU declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the world, the heads of state and government of OAU member states stated:

> We reaffirm our commitment to revive the ideals of Pan-Africanism and commit ourselves, individually and collectively, on behalf of our governments and peoples to maintain and strengthen our unity and solidarity and to pool our resources and wisdom in order to face the challenges of the decade of the 1990s and beyond, change the bleak socio-economic prospects of our

---

8   See Clapham 1996.

continent and guarantee a better life for all peoples and future generations yet unborn. These objectives are well within our capabilities. We, therefore, pledge to apply ourselves fully to the achievement of these objectives (OAU 1990: para. 12).

This agenda was very powerfully pursued through the complementary initiatives and leadership of in particular South Africa's Presidents Nelson Mandela and Thabo Mbeki and Nigeria's President Olusegun Obasanjo.[9] Eventually, this culminated in the launching of the next phase of pan-Africanism in the form of the AU.

The change in the nature of conflicts

For Africa, the end of the Cold War did not mark the onset of a peaceful and stable era. The demise of the super power rivalry, which marked the dawn of a new world order famously characterised by Francis Fukuyama (1992) as the end of history and the triumph of liberalism, dramatically changed the peace and security dynamics both of Africa and the world. Unlike the Cold War period, in which States have been the most dominant of actors and, as such, international relations have been defined in terms mostly of threats arising from state actions, the post-Cold War period saw the rise to prominence of new actors and insecurity arising more from new threats, other than inter-state aggression. As the Commission on Global Governance observed, people in many areas of the world feel insecure more than ever, not in most cases due to external aggression but in spite of its decrease (Commission on Global Governance 1995:79). The sources of such insecurity identified by the Commission include 'extreme economic deprivation, the proliferation of conventional small arms, the terrorising of civilian populations by domestic factions, and gross violations of human rights' (Commission on Global Governance 1995:79). Other factors that have been of particular concern in the African context also include ethnic strife, civil wars, and the collapse or failure of states.

---

9   On the role of these individuals see Abegunrin, 2009:152–161 (in chapter 7, From Organization of African Unity to African Union).

The major forms of conflicts in this period have been those fought within the boundaries of states – intra-state conflicts. These are conflicts that pit one section of the population of a state against another or against the state itself. Many of the conflicts that Africa witnessed during this period have accordingly been conflicts of this kind. One of the characteristics of these conflicts is that they are undertaken by non-state actors and hence do not fall within the framework of international armed conflicts which are traditionally recognised as major sources of threat to international security.[10] A further characteristic of these conflicts 'is the collapse of state institutions, especially the police and judiciary, with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos'. In terms of their impact however, these conflicts have tended to be more brutal to human beings than most conflicts between states due to 'modern technology and communications' and 'the proliferation of cheap, highly destructive weapons which find their way into the hands, among others, of child soldiers' (International Commission on Intervention and State Sovereignty 2001:4).

The immediate post-Cold War period became one of the darkest, bloodiest and bleakest of times for Africa. Outside of the colonial era, at no other time has violence been more horrific and tragic than during this period. It was as though Africa had gone 'from the frying pan into the fire' (Mutua 1995:505, 506). The fall of Siad Barre in 1990 resulted in the collapse of the Somalia state. This was accompanied by internecine violence between rival armed factions that destroyed the infrastructure and livelihood of most parts of the country leaving hundreds of thousands to death and starvation (Lewis 2008:71, 78). After years of authoritarian rule under Mobutu, the Democratic Republic of the Congo (DRC), formerly Zaire, descended into one of Africa's brutal civil wars in which millions of people perished.[11] The civil war that ensued following the rebellion that Charles Taylor waged against Samuel Doe's government led to the implosion

---

10   As noted by Boutros Boutros-Ghali, these conflicts 'are usually fought not only by regular armies but also by militias and armed civilians with little discipline and with ill-defined chains of command' (quoted in Hoffman and Weiss 2006:89).

11   For an acclaimed, comprehensive and rich, albeit journalistic, account of the crisis of DRC, see Stearns 2011.

of Liberia and the descent of its people into an abyss of horror.[12] The multiple civil wars fought in the country from 1989 to 2003 were full of violence in which every act of brutality was committed.[13] Sierra Leone's civil war unleashed as much horror on the people of the country as in Liberia. In its recent finding against Charles Taylor, the Special Tribunal of Sierra Leone observed that the operational strategy of the armed groups involved in the civil war

> ... was characterised by a campaign of crimes against the Sierra Leonean civilian population, including murders, rapes, sexual slavery, looting, abductions, forced labor, conscription of child soldiers, amputations and other forms of physical violence and acts of terror. These crimes were inextricably linked to how the RUF[14] and AFRC[15] achieved their political and military objectives. In particular, under the leadership of Sam Bockarie, the RUF and AFRC pursued a policy of committing crimes in order to achieve military gains at any civilian cost, and also politically in order to attract the attention of the international community and to heighten their negotiating stance with the Sierra Leonean government. That their operations were given titles such as 'Operation No Living Thing', and 'Operation Spare No Soul' made explicit the intent of the RUF and AFRC to wage a campaign of terror against civilians as part of their war strategy (Special Court for Sierra Leone 2012: para. 150).

With the international community failing to act, it was ECOWAS[16] member states that assumed the responsibility of stopping the violence in Liberia and Sierra Leone.[17] In Somalia, although the UN deployed peacekeeping forces,

---

12 At one point the situation led former Gambian President, Sir Alhaji Dauda Jawara, to describe Liberia as a 'butcher house'. See Truth and Reconciliation Commission of Liberia 2009:155.

13 Approximately 200 000 people lost their lives, one million were displaced, and 60–70% of the population suffered some form of sexual violence. See BBC News Africa 2012.

14 Revolutionary United Front.

15 Armed Forces Revolutionary Council.

16 Economic Community of West African States.

17 See Adebajo 2010:37–40.

it left the country in conditions that were not better than when it intervened (Lewis 2008:77–81).

However, it was the 1994 Rwandan genocide that shook Africa to its core. In a period of one hundred days, close to 800 000 Rwandese, almost one tenth of the population of the country, were mercilessly massacred.[18] The plan to annihilate members of the Tutsi ethnic group specifically targeted women and children 'with ghoulish zeal and unimaginable cruelty' (OAU 2000a: section 16.4). The horrors of Rwanda stood out due to the massive involvement of ordinary people in the commission of the crimes and the nature of the weapons used to perpetrate the massacre.

The deep sense of agony and helplessness many in Africa felt was made worse by the failure of the international community to avoid what the OAU's International Panel of Eminent Personalities called the 'preventable genocide' (OAU 2000a). None of those who scrambled for the domination of countries of the continent were there at the continent's particular time of need. The failure of the UN, the body tasked with the responsibility of maintaining international peace and security, underscored the level of Africa's marginality to the international system. In its report, the Independent Inquiry into the Actions of the UN during the 1994 Genocide in Rwanda thus held that 'the international community did not prevent the genocide, nor did it stop the killing once it had begun' (UN 1999: para. 2). This was made the more disappointing by the fact that the slaughter took place in the presence of a UN Mission in Rwanda.

> It became clear that Africa need not expect others to come to its rescue and that it should stand for itself more than ever before. At the OAU summit in July 1994 in Tunis, President Nelson Mandela of South Africa expressed the disappointment of the people of the continent in the international community and urged member states to build an African means for responding to the peace and security challenges of the continent: Rwanda stands out as a stern and severe rebuke to all of us for having failed to address Africa's security problems. As a result of that, a terrible slaughter of the innocent has taken place and is taking place in front of our very eyes.

---

18   See UN 1999: para. 1.

> We know it is a matter of fact that we must have it in ourselves as Africans to change all this. We must, in action assert our will to do so.[19]

Consensus was reached on two interrelated fundamental views. The first was the widespread belief that the international community lacked the required will and commitment to address the peace and security challenges of the continent.[20] The other was the view that member states of the OAU should bring together their efforts and assume responsibility to be able to act against similar kinds of violence on the continent. Ambassador Said Djinnit, the AU's first Commissioner for Peace and Security, put this in profound terms as follows:

> No more, never again. Africans cannot watch the tragedies developing in the continent and say it is the UN's responsibility or somebody else's responsibility. We have moved from the concept of non-interference to non-indifference. We cannot as Africans remain indifferent to the tragedy of our people.[21]

The imperative of reviving the objectives of pan-Africanism and pursuing a high level of regional integration became more urgent than ever before. Africa responded by resorting to the pan-African political ideal of 'African solutions to African problems'.

African solutions to African problems

The political ideal of 'African solutions to African problems' is essentially an issue of self-determination. It seeks to bestow Africa, as a matter of principle, the lead role or ownership in the endeavour to prevent, manage and resolve conflicts on the continent. This has two dimensions. The first and most important of

---

19 Nelson Mandela as quoted in African Rights 1995:1138.

20 In a Declaration they adopted in 2000 (OAU 2000c: preambular para. 6), OAU Heads of State and Government in this regard observed: 'the fact that the international community has not always accorded due attention to conflict management in Africa, as it has consistently done in other regions, and that the efforts exerted by Africans themselves in the area of peacekeeping, as provided for under Chapter VII of the UN Charter, are not given adequate financial and logistical support'.

21 Ambassador Said Djinnit, AU Commissioner for Peace and Security, 28 June 2004, Addis Ababa, as quoted in Powell 2005:4.

these is the control that Africans exercise over the analysis, understanding and definition of the peace and security challenges facing the continent. For far too long, as Africans, we have had very little say over the definition of our challenges. Much of the mainstream knowledge that is produced on Africa has been neither by Africans nor has it been from within Africa. This being knowledge produced based on epistemology and using methodologies developed elsewhere, it had little space for alternative and indigenous frameworks and approaches. One of the ambitions of 'African solutions to African problems' is therefore to reverse this and anchor the analysis and understanding of the peace and security challenges in Africa on the needs and particular circumstances of those directly affected.

Clearly, while it is necessary to be informed of the experiences of other parts of the world, efforts for resolving conflicts in Africa have little chance of success unless they are informed by the socio-cultural, historical, political and economic realities of affected societies. Significantly, the issue is not just about who undertakes the analysis and conceptualisation of the challenges in Africa. It is also, and importantly, about the participation or active involvement of the affected societies and groups in such undertakings.

The other dimension is African leadership in the formulation and implementation of solutions that are properly tailored to respond to the specific conditions and needs of those affected. Instead of treating them as objects of charity and people incapable of redeeming themselves, this acknowledges and reinforces the agency of African actors. Thus viewed, 'African solutions to African problems' is a pan-African ideal that seeks to accord Africa both ownership of and a high stake over the process for resolving the problems facing the continent.

'African solutions to African problems' has also a negative formulation that says no to uninvited external initiatives in which Africans had no meaningful part. Apart from insisting that Africans should in those terms be the masters of their fate, this ideal is thus a bold response from the continent to, and a rejection of, the often-disastrous external interference, which has dominated the political history of the continent. It therefore remains very sceptical of outside interference, however well-intended such interventions may be. As argued

elsewhere, '[a]lthough it does not reject external involvement, by putting Africa at the centre "African solutions to African problems" attempts at limiting the nature and consequences of external actions on the continent. At the very least this is meant to avoid the recurrence of the abuse, neglect and violence that such external actions brought on the continent' (Dersso 2012).

Simultaneously, in this highly interdependent and increasingly globalising world and time, 'African solutions to African problems' does not pretend to suggest that Africans should exclusively formulate and support efforts for maintaining peace and security on the continent. It should be emphasised that this ideal is not about isolationism and closure. It fully recognises the importance and role of others in the international community. This role and responsibility of the international community is aptly summed up by former Secretary-General Kofi Annan during the 1997 ministerial debate in the Security Council on Africa:

> There is a new consensus that the primary responsibility for the solution of Africa's problems rests with Africans themselves … This new realisation also calls for a re-evaluation of the role of the international community in support of Africa's goals. It places responsibilities as much on the shoulders of governments outside Africa as on African governments. It challenges us to think precisely how best we can accompany the Africans on their path to lasting peace, stability, justice and sustainable development (UN 1997).

It should be noted that the nature of peace and security challenges facing Africa do not always originate from Africa, and the causes of these challenges are not always limited to African actions or omissions. The nature and origin of most of the structural challenges facing the continent implicate outside actors. Additionally, although Africans are the primary victims of these challenges, the impact of these challenges is not limited to Africa. While it accords a central place to the role of African actors, it does so not at the expense and to the exclusion of the international system and the role of non-African actors. As such, 'African solutions to African problems' expands on and shares the burden of the global collective security system anchored in the 1945 UN Charter.

The moral and political force driving this ideal is the deep desire in Africa to assume responsibility for overcoming the challenges facing the people of the continent. It is indeed this desire that animates both the views of the people who took the lead in championing it and the legal and political instruments through which 'African solutions to African problems' is given policy and institutional expression. At a special meeting of the UN Security Council held in September 2007, Alpha Oumar Konaré, the first chairperson of the AU Commission, in this regard stated that

> … the primary responsibility for ensuring peace in Africa belongs to Africans themselves. They must shoulder that responsibility. Our partners must let Africans run their own business. [...] Africa is no longer a private hunting ground; it is no longer anyone's backyard; it is no longer a part of the Great Game; and it is no longer anyone's sphere of influence. Those are the few simple rules that will allow the continent to shoulder its responsibility and to demonstrate inter-African solidarity (Konaré 2007).

This desire for assuming greater responsibility in the maintenance of peace and security on the continent has been accompanied by commitments that member states of the AU made to contribute to conflict prevention, management and resolution in Africa. Thus, in establishing the Peace and Security Council, African states expressed their determination 'to enhance our capacity to address the scourge of conflicts on the Continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the Continent' (AU 2002:3).[22] African states reiterated this commitment in the Solemn Declaration on the Common African Defence and Security Policy (CADSP). Accordingly, they reaffirmed their 'determination to endow the Union with the requisite capacity for decision-making in order to ensure effective political-military crisis management aimed at preserving peace and strengthening security of the continent in all aspects, including the elimination of conflicts' (AU 2004: preamble).

Beyond and above redressing the inadequacies and failures of international intervention in Africa, the ideal of 'African solutions to African problems' entails

---

22 16th paragraph of the Preamble.

responsibility on African actors for their failures as well. This means that African governments should assume responsibility for the challenges and problems facing the people of the continent. Seen in this light, this ideal also demands transformation of the system of governance to enable Africa to achieve full emancipation. The focus of this ideal is thus not only about violent conflicts but also the underlying factors that precipitate such conflicts. In this context, attention is drawn to the poverty, despotism, authoritarianism, human rights abuses, corruption, discrimination and related political and socio-economic ills to which people in Africa are subjected. This is indeed one of the most important issues that informed the various normative and institutional changes by which the ideal 'African solutions to African problems' is given expression within the framework of the AU.

As a manifestation of pan-Africanism, 'African solutions to African problems' is premised on the recognition that deepening the unification process of Africa is key if Africa is to achieve control over its peace and security as well as its socio-economic and political agenda.

The transformation from the OAU to the AU

The most important development in Africa's effort towards translating the ideal of 'African solutions to African problems' into an institutional framework was the transformation of the OAU to the AU. The decision to establish the AU was taken in 1999. At the fourth extraordinary session of the Assembly of Heads of State and Government of the OAU held in Sirte, Libya, the Assembly adopted a declaration calling for the establishment of the AU to replace the OAU. The declaration expressly acknowledged that 'the Continental Organization needs to be revitalized in order to be able to play a more active role and continue to be relevant to the needs of our peoples and responsive to the demands of the prevailing circumstances' (OAU 1999: para. 7).

The AU took over from the OAU with the adoption of the Constitutive Act of the African Union (OAU 2000b). The entry into force of the Act on 26 May 2001 marked the birth of the AU and its inauguration in Durban in 2002, its official launch.

The transformation of the OAU to the AU is indeed a major development in the evolution towards achieving the ideals of pan-Africanism. As Murithi rightly pointed out, the AU 'was supposed to usher Africa into a new era of continental integration, leading to a deeper unity and a resolution of its problems' (Murithi 2008:4). Indeed, the acceleration of the unification process of Africa both to promote socio-economic development and to deal with the challenges of globalisation was the underlying motivation behind the launching of the AU.[23] The first objective of the AU is thus 'to achieve greater unity and solidarity between African countries and the peoples of Africa' (OAU 2000b:4).[24] Accordingly, in establishing the AU, African states expressed their determination 'to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively' (OAU 2000b:3).[25]

More specifically, the AU was informed by the desire of member states to pull their efforts together to deal with the peace and security challenges facing the continent. This is expressed in the preamble to the Constitutive Act of the AU by the recognition of 'the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda' (OAU 2000b:3). Accordingly, within the framework of the AU, African states established a robust peace and security regime. This took the form of the African Peace and Security Architecture (APSA).

African Peace and Security Architecture as the embodiment of *Pax Africana*

The African Peace and Security Architecture (APSA) is the policy and institutional framework that the AU established as 'an operational structure for the effective implementation of the decisions taken in the areas of conflict

---

23 See OAU 2000: preamble.

24 Art. 3(a)

25 Preamble

prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction' (AU 2002: para. 17). The APSA is the institutional framework through which the AU and its member states envisaged to give practical application to the ideal of 'African solutions to African problems'.

The APSA has two components to it. The first is the normative and policy component, and the second the institutional dimension.

Normative dimension of the APSA

At the normative level, the ideal of 'African solutions to African problems' is anchored on two related fundamental frameworks. The first involves the redefinition of the principle of state sovereignty. The second and related framework is the commitment to an interventionist peace and security regime.

Sovereignty redefined

The principle of the sovereignty of states is the corner-stone of the Westphalian international order. Sovereignty is a legal status by virtue of which the possession by a society of an independent political authority as a state is recognised internationally. Seen in this light, sovereignty has two aspects. First, sovereignty defines the legal identity of states within the international system as equal entities and possessing the same legal capacities. Second, sovereignty signifies independent political authority over the people and territory within the jurisdiction of a state. This is associated with 'the capacity to make authoritative decisions with regard to the people and resources within the territory of a state' (International Commission on Intervention and State Sovereignty (ICISS) 2001:12). In international law, this is given institutional guarantee through the principle of non-intervention, which prohibits members of the international community from intervening in the internal affairs of a state.

Sovereignty and its corollary, the principle of non-intervention, are the most important principles on which the OAU was founded. Of the seven basic principles outlined under Article 3 of the OAU Charter, four were about the

sovereignty and territorial integrity of African states.[26] In the practice of the OAU, these principles were regarded as precluding the OAU or any member state from scrutinising the African state's domestic activities and therefore were scrupulously observed. The OAU has been operating within the framework of and in strict adherence to its state-centric principles of sovereignty of states and non-intervention.[27]

Under the Constitutive Act of the AU, the AU made a complete break from the OAU by redefining sovereignty. Unlike the OAU Charter in which sovereignty was sacrosanct and almost absolute, within the framework of the AU sovereignty is limited. This is provided for in the ground-breaking principle of the right of the AU to intervention.[28] The Act stipulates in Article 4(h) that the AU has the right to intervene in a member state 'pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity'. It not only creates the legal basis for intervention but also imposes an obligation on the AU to intervene to prevent or stop the perpetration of such heinous international crimes anywhere on the continent.

This provision together with the emphasis on ending conflicts and promoting peace and security reverses the primacy that the OAU accorded to the state and its state-centric principles over people and the rights and interests of citizens. Most notably, it revises the understanding and scope of application of the principles of state sovereignty and non-interference. By narrowing down the scope of application of state sovereignty and non-interference, this provision removed some of the issues these principles had hitherto covered from the exclusive domestic jurisdiction of the state and made them matters of continental concern. It settled the controversy around the limits of these principles in cases of grave

---

26   See OAU 1963: article III, sections 1, 2, 3 and 5.

27   As one author put it, 'the OAU was still firmly rooted in its ideal to protect state sovereignty and its unwillingness to intervene in the internal conflicts of member states.' In elucidating the impact of this, the author further said: 'Its stance on sovereignty was perhaps the main weakness of the OAU when it came to conflict management, and one that threatened to render the organisation irrelevant in the new international environment' (Olonisakin 2000:42).

28   For literature on this, see Aneme 2008; Cilliers and Sturman 2002; Kindiki 2007 and Yusuf 2005:3–21.

danger to the lives of citizens of a state. This represents a paradigmatic shift from the OAU's exclusive focus on state security to the security and wellbeing of individuals and peoples encapsulated by the concept of human security. Unlike the OAU Charter, the Constitutive Act has a strong human rights content. Indeed, one of its objectives is to 'promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments'.[29]

As such, sovereignty and non-interference would no longer shield states from external scrutiny and even military intervention, not only where they endanger the lives of people on a massive scale, but also where they are unable to protect their citizens from such grave threats.[30] Nor can these principles justify inaction on the part of the AU in the face of such threats. In this, the AU Act became a pioneer in leading what has come to be characterised as a 'systemic shift in international law, namely, a growing tendency to recognise that the principle of state sovereignty finds its limits in the protection of "human security"' (Stahn 2007:99, 100–101).

Sovereignty is additionally redefined in another way as well. This is the shared responsibility that African states assumed for the peace and security of each African state. This is expressed through the affirmation by AU member states of 'the fact that the defence and security of one African country is directly linked to that of other African countries' (AU 2004: para. 11).

Interventionist peace and security regime

The peace and security regime to which AU member states subscribed is not based on a traditional security paradigm that exclusively focuses on violent conflicts. It is rather a regime that is premised on the new security paradigm that focuses on broader human security issues. The new normative concept of

---

29 See OAU 2000: art. 3(h).

30 As Cilliers and Sturman (2002) put it, '[t]he absence or disappearance of a functioning government can lead to the same kind of human catastrophe as the presence of a repressive state. In Africa, intervention will be needed in as many cases where a weak state is unable to protect its citizens, as when a repressive state is unwilling to do so or is itself the cause of the abuse'.

human security, which underpins the AU's peace and security regime, is more explicitly stated in the AU's Solemn Declaration on a Common African Defence and Security Policy (CADSP). The Policy makes as its point of departure a definition of security 'which encompasses both the traditional, state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict' (AU 2004: para. 6). More than anything else, it is the rise in intra-state conflicts witnessed on the continent during the post-Cold War period that prompted African states to embrace the new normative concept of human security as the basis for the AU's peace and security regime.[31]

The AU's peace and security regime is thus one in which not only violent conflicts but also issues of democracy, human rights and governance feature prominently. Article 3(h) of the Constitutive Act (OAU 2000b) states as one of the objectives of the AU: the promotion and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights (ACHPR) and other relevant human rights instruments.[32] Additionally, the promotion of democratic principles and institutions, popular participation and good governance is made to form part of the objectives of the AU (OAU 2000b: art. 3(g)).

Out of the 16 fundamental principles by which the AU is to be guided, at least six could be said to embody human rights provisions and one is concerned with human rights issues in the context of violent conflicts. Most notably, Article 4(m) stipulates that respect for democratic principles, human rights, the rule of law and good governance is one of the fundamental principles of the AU. Under Article 30, the Constitutive Act stipulates that governments which come

---

31 As the Policy states: 'The causes of intra-state conflict necessitate a new emphasis on human security, based not only on political values but on social and economic imperatives as well' (AU 2004:3).

32 In the OAU Charter, except the indirect reference made to the Universal Declaration of Human Rights in the preamble, human rights were not incorporated into any of the substantive parts of the Charter.

to power 'through unconstitutional means shall not be allowed to participate in the activities of the Union'.

Accordingly, apart from violent conflicts, conditions that the CADSP defined as threats to peace and security in Africa include:

- Lack of respect for sanctity of human life, impunity, political assassination, acts of terrorism and subversion;

- Coups d'état and unconstitutional changes of government, as well as situations which prevent and undermine the promotion of democratic institutions and structures, including the absence of rule of law, equitable social order, population participation and electoral processes;

- Improper conduct of electoral processes;

- Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, equitable opportunity for all, including women, children and ethnic minorities;

- Poverty and inequitable distribution of natural resources; and

- Corruption.

While these furnish the normative foundation that makes it possible for AU member states to pursue the ideal of 'African solutions to African problems', the AU peace and security regime additionally provided for institutions charged with the mandate of taking decisions on matters of peace and security on the continent. These constitute the institutional dimension of the APSA

Institutional dimension of the APSA – The PSC

This is the most commonly discussed component of the APSA that is established under the PSC Protocol. Article 2 of the PSC Protocol (AU 2002) defines the components of the APSA that support the work of the PSC, which is the core of the APSA. These are the AU Commission, a Panel of the Wise, a Continental Early Warning System (CEWS), an African Standby Force and a Special Fund. The regional mechanisms for conflict prevention, management and resolution are also tied with the APSA.

The PSC

The APSA is anchored in the PSC. The PSC is the engine of the APSA. According to the PSC Protocol, the PSC is a standing decision-making authority and serves as 'a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa' (AU 2002: art. 2).

In terms of the focus of this article, a question of particular significance is whether the PSC is vested with the powers that are necessary to enable the AU to take the lead in defining the peace and security agenda of the continent.

The powers of the PSC are defined under Article 7 of the PSC Protocol (AU 2002). An analysis of this provision reflects that the PSC is entrusted with expansive powers that make it the authority to be reckoned with on matters of peace and security on the continent. With respect to conflict prevention, management and resolution, the PSC has the power (a) to anticipate and prevent disputes (art. 7.1.a.), (b) to undertake peace-making and peace-building to resolve conflicts (art. 7.1.b.) and (c) to authorise the mounting and deployment of peace support missions (art. 7.1.c.). Regarding 'grave circumstances' identified under Article 4(h) of the Constitutive Act, the PSC is vested with the power (a) to anticipate and prevent policies that may lead to genocide and crimes against humanity (art. 7.1.a.) and (b) to recommend to the AU Assembly intervention in a member state in respect of grave circumstances (art. 7.1.e.). With respect to governance and human rights issues, the PSC also enjoys the power (a) to institute sanctions whenever an unconstitutional change of Government takes place in a member state (art. 7.1.g.) and (b) follow-up the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by member states (art. 7.1.m.).

Other powers that are conferred on the PSC to guarantee that Africa is in charge of its peace and security agenda include those relating to its mandate to 'promote and develop a strong partnership for peace and security between the AU and the United Nations and its agencies, as well as with other relevant international organizations' (art. 7.1.k.) and to 'develop policies and action required to ensure that any external initiative in the field of peace and security on the continent

takes place within the framework of the Union's objectives and priorities' (art. 7.1.l.). These are meant to ensure that decisions and initiatives that non-African actors take are consistent with the concerns and needs of people of the continent.

Like the United Nations Security Council, the PSC is composed of 15 members of which 10 are elected for a two-year term and the remaining five for a three-year term. In accordance with the AU principle of regional representation, it is the five regions of Africa that elect the 15 members of the PSC. The PSC decisions are generally guided by the principle of consensus. However, unlike the 1993 OAU Mechanism, in case of failure to reach a consensus, decision on procedural matters are by a simple majority and on substantive matters by a two-thirds majority of members eligible to vote (Art 8.13.).[33] In a situation where the PSC considers a crisis in one of its member states, the affected country does not participate in the PSC's deliberations on the matter. The provisional agenda of the Peace and Security Council is determined by the Chairperson of the Council on the basis of proposals submitted by the Chairperson of the Commission and member states. The inclusion of any item in the provisional agenda may not be opposed by a member state (art. 8.7). The practice however shows that the Commission has assumed a de facto role of deciding the agenda of the PSC with member states playing a secondary role.

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

Another manifestation of the increasing effectiveness of the PSC is the number of meetings it held and decisions it has so far taken. Since its launch in 2004, the PSC has so far held close to 300 meetings at various levels. The regularity of

---

33 Cf. Rule 28 of the Rules of Procedure of the Peace and Security Council of the African Union.

its meetings has increased by more than threefold from 2004 to 2010.[34] As the decisions taken by the PSC show, the PSC has addressed a variety of issues, ranging from violent armed conflicts in Sudan and Somalia through unconstitutional changes of government in various African countries to electoral violence. Its decisions led to the deployment of peace support operations in Sudan and Somalia and facilitated the return of constitutional order in countries affected by coups or other forms of unconstitutional changes of government, including those in Guinea, Niger, Togo and Mauritania. Although they are few, the PSC also addressed thematic issues such as terrorism, small arms and light weapons, and children and women in armed conflict. The PSC also sought to promote the interests of Africa in the initiatives for achieving strategic partnership between the AU and the UN.

The above is a clear demonstration that Africa has come much closer to *Pax Africana* today than ever before. A further illustration of this is the evolving African methods and approaches taking shape in Africa's crisis management practice. Two case studies that best illustrate these are the AU's responses to the crises in Darfur and Libya. Both of these case studies show serious efforts on the part of the AU to develop indigenous analysis of the crises and formulate solutions that seek to permanently settle conflicts through a negotiated political process.

The practice: The cases of Darfur and Libya

Darfur: Inclusive and comprehensive approach

The Darfur conflict is one of Africa's most complex and deadly conflicts. It is estimated that over 200 000 people lost their lives and more than 2 million fled from their homes either as internally displaced persons or refugees.

The AU was involved from the very beginning in the search for a negotiated settlement. This started with the assistance that it gave Chad in organising the initial round of negotiations to resolve the Darfur conflict. This resulted in the 8 April 2004 N'djamena Ceasefire Agreement signed between the Government of Sudan, the Sudan Liberation Army (SLA) and the Justice and Equality Movement

---

34   In 2004, the PSC held only 21 meetings, whereas it held 67 meetings in 2009.

(JEM). In the subsequent agreement on modalities signed in Addis Ababa on 28 May 2004, the AU was assigned the role of being the lead international body in Darfur. Some of the notable initiatives in which the AU played a lead role include the negotiation and signing of the 2004 Ceasefire Agreement, the 2005 Comprehensive Peace Agreement and the subsequent Darfur Peace Agreement, which was hoped to herald the beginning of peace in Darfur.

The AU's mediation and peace-making efforts demonstrate that an area where the AU has a major comparative advantage over external actors is its ability to garner the trust of parties to a violent conflict, particularly of governments which generally object to outside interference. The AU has been able to use this trust to convince the parties, as in the Darfur situation, to agree on negotiations and to secure compromise.

Alongside peacemaking efforts, the PSC has been appropriately employed to develop the instrument of interim measures, which, if properly formulated and implemented, can contribute in particular to reducing violence against civilians. At its meeting of 4 July 2004, for example, the PSC urged 'the Sudanese authorities to assess the extent of the destruction related to the conflict in Darfur and to consider the ways and means of compensating the affected populations'.[35] Most importantly, in 2006 the PSC demanded that the parties cease all acts of violence and atrocities on the ground, particularly those committed against the civilian population, humanitarian workers and AMIS personnel.[36] It also demanded that the government of Sudan refrain from conducting hostile military flights in and over Darfur, and to expeditiously implement its stated commitment to neutralise and disarm the armed Janjaweed militias.

Despite their ambition, these initiatives have not, however, led to the desired result of ending the conflict and the violence Darfuris have continued to endure. In 2008, the AU PSC established the AU High-Level Panel on Darfur (AUPD). The AUPD was established to examine the situation in depth and submit

---

35 Communiqué of the 12th Session of the PSC (4 July 2004), AU Doc. PSC/MIN/Comm. (XII), para. 5.

36 Communiqué of the 46th session of the PSC (10 March 2006), AU Doc. PSC/MIN/2 (XLVI), para. 13.

recommendations 'on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed, including through the establishment of truth and/or reconciliation commissions'.

In preparing its report, the High-Level Panel conducted extensive consultations with all relevant stakeholders and undertook extensive study about the conflict. It submitted to the AU Commission on 8 October 2009 its analysis, findings and recommendations in a report entitled Darfur: The quest for peace, justice and reconciliation.

The report received the unanimous support of the AU membership, including, interestingly enough, that of Sudan. This was attributed to the methods employed in preparing the report and its comprehensive, balanced and frank treatment of the underlying causes of the conflict in Darfur. The method that the AUPD employed to develop its report was what, as Alex de Waal, one of the expert members of the AUPD, pointed out, could be called participatory listening (De Waal 2009). This is a method, which focuses on listening to members of the affected people from all walks of life to define their problem and propose solutions. On the basis of this, the AUPD conducted forty days of consultations and hearings with more than 3000 people representing various sections of the people of Darfur (De Waal 2009). The analysis of the issues and the recommendations proposed in the report drew their inspiration from the views of the people in Darfur.

According to the Panel, the Darfur crisis is a manifestation of the Sudan crisis in Darfur. Thus, it attributed the Darfur crisis to the socio-economic exclusion, the political marginalisation and the domination (due to an authoritarian and bad governance system) suffered by Darfur and its people. To use the expression of the Panel, '[t]he crisis in Darfur is a manifestation of Sudan's inequitable distribution of wealth and power' (AU 2009:xiii). The AUPD recommended that the political system of Sudan be redesigned to guarantee equitable political participation and to justly accommodate the cultural and religious diversity of the country, that devolved structures of governance be crafted on the basis of federalism, and that socio-economic measures (including affirmative measures)

be implemented both to redress the prevailing inequalities at the root of the conflict and to compensate for the loss suffered by those affected due to the conflict. With respect to justice and reconciliation, the Panel innovatively recommended the establishment of a hybrid court to deal with the most serious crimes, the reform and issuance of appropriate laws, the restructuring of the justice administration system to re-establish its independence and credibility, the payment of reparations for victims and the establishment of a justice and reconciliation commission.

Both the richness of the report in terms of content and methodology and the support that AU member states extended to such a report reflect the orientation of the AU peace and security regime toward 'an approach to analyzing African problems, allowing Africa to take the lead in addressing Sudan's political crisis' (De Waal 2009). It exemplifies the preference in Africa for a peace process that is geared towards helping countries in conflict achieve domestic political consensus that is a guarantee for sustainable peace over a peace process that attempts to impose temporary peace by punishing some and rewarding others. This is also a peace doctrine that prioritises 'African analysis of African problems' (De Waal 2009) and accords a special place for a negotiated settlement.

Libya

The crisis in Libya began on 15 February 2011 in Libya's second largest city, Benghazi, when residents of the city staged the first demonstration, protesting against the arrest of a human rights campaigner. Initially, police and paramilitary forces employed brutal but non-lethal tactics, relying on rubber bullets and tear gas to disperse protestors on February 15 and 16. This response was short-lived though. From 17 February, the Libyan government security forces started to use live ammunition, reportedly killing more than 150 people over the next three days. As the protests spread to many parts of Libya and the government security forces continued to use violence for repressing protestors, the situation descended into an armed conflict. Although considerably weaker, the opposition forces managed to push government security forces out of many parts of eastern Libya. On 23 February 2011, Gaddafi vowed to 'cleanse Libya house by house' until he had crushed the armed opposition, whom he sometimes labelled as

'cockroaches' and 'traitors' who were 'drug-fuelled, drunken and duped' (Al Jazeera 2011).

In response to the crisis, the PSC issued a number of communiqués and press statements. In the initial communiqué, the PSC was largely limited to expressing its 'deep concern' and condemning 'the indiscriminate and excessive use of force and lethal weapons against peaceful protestors'.[37] Lacking in this response was any attempt of the PSC to go beyond condemning the 'indiscriminate attacks and use of lethal weapons against peaceful protestors'. The nature of the violence additionally required investigation. Significantly, however, the PSC underscored the legitimacy of the aspirations of the Libyan people for democracy, political reform, justice, peace and security, as well as for socio-economic development.

Soon, the situation that started as a peaceful protest descended into armed rebellion thus becoming civil war. This development necessitated an approach different from the approach pursued up to that time. Accordingly, at its 265th meeting held on 10 March 2011 at the level of Heads of State and Government, the PSC adopted a major new initiative tailored to the changed nature of the crisis.

Apart from reiterating its condemnation of indiscriminate attacks and its emphasis on the legitimacy of the demand of the people of Libya for reforms and the need to ensure that they are achieved through peaceful and democratic means, the PSC outlined a four-point framework tailored for the newly evolved situation in Libya. These were (a) the immediate cessation of all hostilities, (b) the cooperation of the competent Libyan authorities to facilitate the timely delivery of humanitarian assistance to the needy populations, (c) the protection of foreign nationals, including the African migrants living in Libya, and (d) the adoption and implementation of the political reforms necessary for the elimination of the causes of the current crisis.[38] In the same communiqué, the PSC rejected military intervention as solution to the crisis. This was against the background

---

37   Communiqué on the situation in Libya (23 February 2011). AU Doc. PSC/PR/COMM (CCLXI).

38   Communiqué on the situation in Libya (10 March 2011), para. 7. AU Doc. PSC/PR/COMM.2(CCLXV).

of what the Council called 'the transformation of pacific demonstration into an armed rebellion'. Subsequently, the four-point framework was developed into the AU Roadmap for the political resolution of the crisis in Libya.

While the AU outlined its Roadmap and established a High-Level ad hoc Committee for pursuing the implementation of the Roadmap, the conditions on the ground were fast changing. Most notably, two developments in the civil war created the conditions that were opportune for UN Security Council to assume leadership and adopt Resolution 1973 (UN Security Council 2011).[39] The first of the two crucial developments was the successful offensive that government forces launched in early March for retaking the towns they lost to the armed opposition. At the initial stages of the civil war, the armed opposition assumed control over not only Benghazi but also many other, particularly eastern, towns and cities. By the end of February and early in March 2011, rebel forces had made huge gains and assumed control of several coastal cities, including Ajdabiya, Ras Lanuf, Brega and Misrata in eastern Libya and the towns of Zuwara, Yefren, Zenten and Jadu in the west. In early March, Gaddafi's forces launched an offensive against the rebels in an effort to retake the coastal towns and strategic locations under the control of the opposition. In mid-March, the balance of power changed in favour of the Gaddafi forces. After a sweeping victory over the rebel forces, government forces threatened to crush the opposition in its stronghold city of Benghazi.

The other crucial development was unsubstantiated reports of the use of artillery, snipers and even air power, which were reportedly used indiscriminately against civilians, which according to human rights advocates amounted to crimes against humanity. This was accompanied by Gaddafi's unhelpful and very threatening rhetoric. In his televised address on 11 March 2011, Gaddafi urged his supporters to 'show no mercy' and go 'house to house' in Benghazi (Stanglin 2011).

The combination of sensational reports, the convergence in the views of various actors in the international community for military action and the imminent

---

39   The resolution imposed a no-fly zone and authorised member states 'to take all necessary measures' in order 'to protect civilians and civilian populated areas under threat of attack'.

assault on the opposition stronghold Benghazi together with the unhelpful rhetoric of Gaddafi culminated in the UN Security Council adopting Resolution 1973 (UN Security Council 2011).[40] After determining that the situation in Libya constituted a threat to international peace and security and acting under Chapter VII of the UN Charter, the UNSC authorised member states 'to take all necessary measures' in order 'to protect civilians and civilian populated areas under threat of attack' in Libya while 'excluding a foreign occupation force of any form on any part of Libyan territory'. While demanding an immediate ceasefire as well as an end to the attacks against civilians, it established a no-fly zone, banning all flights in Libyan airspace in order to help protect civilians, and authorised member states 'to take all necessary measures to enforce compliance'.

NATO took over the responsibility of undertaking the military intervention (enforcing resolution 1973) not long after the so-called permanent three members of the UN Security Council (US, France and UK) launched the intervention.

The roadmap that the PSC outlined for resolving the crisis in Libya was informed by and reflected the priority that the AU accords to the negotiated settlement of crises. If supported and implemented, the AU hoped that the roadmap would have led to a negotiated outcome capable of both avoiding the violence and meeting the aspirations of the people of Libya for freedom and democracy. To implement this roadmap, the PSC established the High-Level ad hoc Committee (AU Peace and Security Council 2011). The High-Level ad hoc Committee took a number of initiatives in pursuance of its mandate, including a consultative meeting with the neighbouring countries and the international partners, in Addis Ababa, on 25 March 2011, and a visit to Libya, on 10 and 11 April 2011.

As AU Commission Chairperson Jean Ping put it, 'one of the aspects highlighted by the crisis in Libya relates to the reluctance of some members of the international community to fully acknowledge the AU's role' (AU Commission

---

40   This resolution was adopted by a vote of ten in favour, none against, and five abstentions: permanent members China and the Russian Federation, plus non-permanent members Brazil, Germany, and India.

2011:4). NATO's intervention was undertaken against the expressed objections of Africa and at the expense of Africa's emerging peace and security architecture. Most notably, it robbed Africa of its role of pursuing the solutions it proposed to the crisis and in so doing it marginalised AU's admittedly weak voice. In the process, it undermined the APSA and AU's political principle of 'African solutions to African problems'.

With the objective of regime-change quickly supplanting the rationale of establishing a no-fly zone and protecting civilians, NATO countries were determined to use military means as the only solution to the crisis in Libya. NATO's intervention was therefore not flexible enough to accommodate the implementation of the roadmap that the AU outlined for the political resolution of the crisis in Libya. Thus, the opportunities that arose when the Libya government declared its willingness for a ceasefire and a negotiated settlement were not adequately explored. Instead, the government's declarations of ceasefire and willingness for negotiation were dismissed as a deliberate ploy by Gaddafi to buy time and shield himself from the escalating military assault targeting him and his government. By May 2012, the AU even managed to secure Gaddafi's commitment that he would not be part of the negotiation for the formation of a new government and of the government to be formed. On 12 January 2012, South Africa's President Jacob Zuma, during an address to the UN Security Council, stated that 'the AU's plan was completely ignored in favour of bombing Libya by NATO forces' (Zuma 2012).

Despite the well-accounted limitations in the AU's response to the Libyan crisis, it was not because of any inherent flaws with the plan that the AU's roadmap failed to achieve its objectives. As subsequent developments in Libya and the Sahel region revealed, if the AU plan was given a good chance with all the support it required, perhaps the Libyan crisis could have been resolved with less destruction and the fallout that resulted from the purely military approach could have been prevented with countries like Mali being spared from the crisis now befallen them. Once again, the AU's approach in this instance manifested the seemingly particular importance that is attached to a negotiated end to crises in the evolving AU peace and security regime.

Conclusion

Although there is a long way to go to make the ideal of 'African solutions to African problems' a daily reality, significant progress has been made to uphold this ideal in the context of the transformation of the OAU to the AU. This is most notably achieved by establishing the APSA as the institutional embodiment of this Pan-African ideal. Within the framework of the APSA, member states of the AU regard the PSC as a body that is charged with the responsibility of maintaining the peace and security of Africa. This has for the first time offered Africa a comprehensive framework to develop African analyses of the problems facing people of the continent and to formulate its own solutions. One of the notable features of the AU's approach to resolving conflicts is the bias towards a negotiated settlement and its emphasis on the centrality of political processes.

It also emerged that 'African solutions to African problems' is an ideal with many drawbacks. The major one is the sheer number of constraints present in Africa that defy and challenge the pursuit of this ideal. Capacity and resource limitations are often cited as being major in this regard. While these are no doubt crucial, the most important constraints to pursuit of this ideal are in the realm of politics. Here we should cite the nature of the global political order and importantly the sheer inadequacies of the African political leadership.

As the Libyan case illustrated, in cases where the interests of dominant global powers were involved, Africa cannot pursue its peace and security agenda independently. In such a context, any attempt on the part of Africa to pursue its own solutions will face resistance that will frustrate and ultimately abort it. The post-Cold War global political context, or more accurately the multipolar global order of the 21st century, is such that Africa remains weak to remove 'the danger that the ability of the peoples of Africa to determine their destiny would be severely compromised and undermined' (Mbeki 2012).

The increasing recognition of the importance of Africa partly highlighted by the enviable inroads that China made into the continent carries a further risk of increasing the influence of global powers on the affairs of the countries of the continent.

This vulnerability is further compounded by the excessive dependence of the APSA on external funding. Almost all of the peace operations that the AU launched have been exclusively funded through support from AU partners, most notably the EU. This dependence served outside powers to exert enormous influence on the politics of such operations. The experience illustrated that the cost for Africa has been loss of political control.

A further challenge for this ideal is that it depends for its application, among others, on African states and the African political leadership. Unfortunately, the history of Pan-Africanism since independence shows that it is only when there are leaders that champion it and make it a priority in continental politics that ideals of Pan-Africanism such as 'African solutions to African problems' galvanise the support of countries of the continent. There are times, such as the present one, when the continent happens to be without leaders committed to pushing the agenda of Pan-Africanism.

This exclusive reliance on and bias towards the state and the African political leadership should be rectified. There is a need for this ideal to be owned and employed by members of society, the media, civil society actors, academia and other centres of popular power. It is only then that this ideal would acquire a true force capable of defending and sustaining it.

Another major challenge for the application of 'African solutions to African problems' is the difficulty of consensus-building among African states and lack of political will. Under the PSC Protocol, African states have committed to 'extend full cooperation to, and facilitate action by the Peace and Security Council for the prevention, management and resolution of crises and conflicts' (AU 2002: art. 7.4.). Notwithstanding this, AU member states have not always provided the PSC with all the necessary support for the implementation of its decisions. One manifestation of this is the reluctance that many African states displayed for contributing troops for AU's mission in Somalia, probably because the Al Shabaab menace has come to represent a threat not only to the countries of the region but also to countries in West Africa and the Sahel.

The challenges to the Pan-African ideal of 'African solutions to African problems' are enormous. This is mainly because of its double burden: it has to

contend with both internal and external forces that militate against the genuine independence of Africa. Yet, it is an ideal with enormous moral and political force. As AU Commission Chairperson Jean Ping rightly pointed out:

> [L]asting peace on the continent can only be achieved if efforts to that end are based on the full involvement of Africa and a recognition of its leadership role because, as stressed by the Summit in August 2009, without such a role, there will be no ownership and sustainability; because we understand the problems far better; because we know which solutions will work, and because, fundamentally, these problems are ours, and our peoples will live with their consequences (AU Commission 2011:4).

The challenge for Africa and the AU is to mobilise and commit the political and material investment that is required to fulfil the promise of 'African solutions to African problems', namely *Pax Africana*, a peace 'that is protected and maintained by Africa herself' (Mazrui 1967:203).

Sources

African Rights 1995. *Rwanda: Death, despair and defiance.* Revised edition, August 1995. London, African Rights.

African Union 2002. *Protocol relating to the establishment of the Peace and Security Council of the African Union.* Addis Ababa, African Union.

African Union 2004. Solemn declaration on a common African defence and security policy. 28 February 2004. Addis Ababa, African Union. Available from: <www.africa-union.org/.../Declaration%20on%20a%20Comm.Af%20Def%20Sec[1].pdf>

African Union 2009. Darfur: The quest for peace, justice and reconciliation. Report of the AU High-Level Panel on Darfur (AUPD), October 2009. PSC/AHG/2(CCVII).

African Union Commission 2011. Letter from the Chairperson of the Commission, Issue no. 1 (November 2011).

African Union Peace and Security Council 2011. 265th Meeting, PSC/PR/COMM.2 (CCLXV), Addis Ababa, 10 March 2011.

Abegunrin, Olayiwola 2009. *Africa in global politics in the twenty-first century: A pan-African perspective.* New York, Palgrave Macmillan

Adebajo, Adekeye 2010. *The curse of Berlin: Africa after the Cold War.* Durban, University of KwaZulu-Natal Press.

Al Jazeera 2011. Defiant Gaddafi vows to fight on. Al Jazeera, 23 February 2011. Available from: <http://www.aljazeera.com/news/africa/2011/02/201122216458913596.html>

Aneme, Girmachew Alemu 2008. *A study of the African Union's right of intervention against genocide, crimes against humanity and war crimes.* Oslo, Faculty of Law, University of Oslo.

Annan, Kofi 1998. The causes of conflict and the promotion of durable peace and sustainable development in Africa. Report of the Secretary-General to the Security Council, April 1998.

BBC News Africa 2012. Country profile: Liberia 11 May 2012. Available from: <http://news.bbc.co.uk/2/hi/africa/country_profiles/1043500.stm> [Accessed 3 May 2012].

Cilliers, Jakkie and Kathryn Sturman 2002. The right intervention: Enforcement challenge for the African Union. *African Security Review*, 11 (3). Available from: <http://www.iss.co.za/pubs/asr/11No3/Cilliers.html>

Clapham, Christopher 1996. *Africa in the international system.* Cambridge, Cambridge University Press.

Commission on Global Governance 1995. *Our global neighbourhood.* Oxford, Oxford University Press.

Dallaire, Romeo 2003. *Shake hands with the devil: The failure of humanity in Rwanda.* New York, Carrol and Graf Publishers.

Dersso, Solomon A. 2012. African Solutions to African Problems should be more than just a cliché. News on ISS Africa, 29 March 2012. Pretoria, Institute for Security Studies (ISS). Available from: <http://www.issafrica.org/iss_today.php?ID=1457>

De Waal, Alex 2009. Reflections on the AU PSC Summit, 3 November 2009. Available from: <http://africanarguments.org/2009/11/03/reflections-on-the-au-psc-summit/>

Esmenjaud, Romain and Benedikt Franke 2009. Who owns African ownership: The Africanisation of security and its limits. Working Paper in International History and Politics No. 1 (2009). Available from: <http://graduateinstitute.ch/history-politics>

Fukuyama, Francis 1992. *The end of history and the last man.* New York, The Free Press.

Hoffman, Peter J. and Thomas George Weiss 2006. *Sword and salve: Confronting new wars and humanitarian crises.* Lanham, Rowman and Littlefield.

Holmes, Steven A. 1993. The World: Africa, from the Cold War to cold shoulders. *The New York Times*, 7 March 1993.

International Commission on Intervention and State Sovereignty (ICISS) 2001. The responsibility to protect. Report of the ICISS.

Kindiki, Kithure 2007. *Intervention to protect civilians in Darfur: Legal dilemmas and policy imperatives.* ISS Monograph No. 131. Pretoria, Institute for Security Studies.

Konaré, Alpha Oumar 2007. Address to Special Meeting of the Security Council on Africa, September 2007.

Lewis, Ioan 2008. *Understanding Somalia and Somaliland.* London, Hurst and Co.

Mathews, Kay 2008. Renaissance of Pan-Africanism: the AU and the New Pan-Africanists. In: Centre for Conflict Resolution, *The African Union and its institutions*. Cape Town, Centre for Conflict Resolution.

Mazrui, Ali A. 1967. *Towards a Pax Africana: A study of ideology and ambition*. Chicago, University of Chicago Press.

Mbeki, Thabo 2012. Address by Thabo Mbeki at the Makerere University Institute of Social Research Conference on The Architecture of Post-Cold War Africa – Between internal reform and external intervention, Makerere University, Kampala. January 19, 2012. Available from: <http://www.thabombekifoundation.org.za/Pages/ADDRESS-BY-THABO-MBEKI-AT-THE-MAKERERE-UNIVERSITY-INSTITUTE-OF-SOCIAL-RESEARCH-CONFERENCE-ON-THE-ARCHITECTURE-OF-P0119–651.aspx>

Murithi, Timothy 2008. Introduction: Contextualizing the debate on a union government for Africa. In: Murithi, Timothy ed. *Towards a Union Government for Africa: Challenges and opportunities*. ISS Monograph 140. Pretoria, Institute for Security Studies.

Murphy, Ray 2007. *UN Peacekeeping in Lebanon, Somalia and Kosovo: Operational and legal issues in practice*. Cambridge, Cambridge University Press.

Mutua, M.W. 1995. Putting Humpty Dumpty back together: The dilemmas of the post-colonial African state. *Brooklyn Journal of International Law*, 21.

Nkrumah, Kwame 1961. *I speak of freedom*. London, Panaf Books.

Olonisakin, Funmi 2000. Conflict management in Africa: The role of the OAU and sub-regional organisations. In: Cilliers, Jakkie and Annika Hilding-Norberg eds. *Building stability in Africa: Challenges for the new millennium*. ISS Monograph No. 46. Pretoria, Institute for Security Studies. Available from: <http://www.issafrica.org/Pubs/Monographs/No46/Conflict.html> [Accessed 17 March 2010].

Organisation of African Unity 1963. *OAU Charter*. Signed in Addis Ababa on 25 May 1963.

Organisation of African Unity 1990. OAU declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the world. Adopted at the 26th ordinary session of the OAU Heads of State and Government on 9–11 July 1990 in Addis Ababa Ethiopia. OAU Doc. AHG/Decl.1 (XXVI).

Organisation of African Unity 1999. Sirte Declaration. Adopted at the 4th extraordinary session of the Assembly of Heads of State and Government on 8–9 September 1999 in Sirte, Libya. EAHG/Draft/Decl. (IV) Rev.1. Available from <http://www.uneca.org/adfiii/riefforts/ref/other5.htm>

Organisation of African Unity 2000a. *International Panel of Eminent Personalities to investigate the 1994 genocide in Rwanda and the surrounding events*. Special Report (Rwanda: The preventable genocide), 7 July 2000. Presented to the OAU Summit held at Lomé, Togo.

Organisation of African Unity 2000b. *Constitutive Act of the African Union*. Adopted at the OAU Summit held at Lomé, Togo, on 11 July 2000.

Organisation of African Unity 2000c. Declaration on Unconstitutional Changes of Government. Addis Ababa, OAU.

Powell, Kristiana 2005. *The African Union's emerging peace and security regime – Opportunities and challenges for delivering on the responsibility to protect.* ISS Monograph No. 119. Pretoria, Institute for Security Studies.

Special Court for Sierra Leone 2012. Trial Chamber II, Prosecutor v. Charles Ghankay Taylor, Judgment Summary (26 April 2012). Available from: <http://www.sc-sl.org/CASES/ProsecutorvsCharlesTaylor/tabid/107/Default.aspx>

Stahn, Carsten 2007. Responsibility to protect: Political rhetoric or emerging legal norm? *American Journal of International Law*, 101.

Stanglin, Douglas 2011. Gadhafi vows to attack Benghazi and show 'no mercy'. USA Today, 17 March 2011. Available from: <http://content.usatoday.com/communities/ondeadline/post/2011/03/gadhafi-vows-to-retake-benghazi-and-show--no-mercy/1>

Stearns, Jason K. 2011. *Dancing in the glory of monsters: The collapse of the Congo and the Great War of Africa.* New York, Public Affairs.

The International Commission on Intervention and State Sovereignty 2001. *The responsibility to protect.* Ottawa, International Development Research Centre.

Truth and Reconciliation Commission of Liberia 2009. *Final Report of the Truth and Reconciliation Commission of Liberia (TRC).* Volume II. Consolidated Final Report. Available from: <http://trcofliberia.org/reports/final-report>

United Nations 1997. UN Secretary-General Kofi Annan address to UN Security Council Ministerial Meeting 27 September 1997.

United Nations 1999. Report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda. UN Doc. S/1999/1257. Available from: <http://www.un.org/News/dh/latest/rwanda.htm> (Independent Inquiry Report).

United Nations Security Council 2011. Resolution 1973 (2011) Adopted by the Security Council at its 6498th meeting, on 17 March 2011. S.C. Res. 1973, U.N. Doc. S/RES/1973 (17 March 2011). Available from: <www.nato.int/nato.../pdf/pdf.../20110927_110311-UNSCR-1973.pdf>

Yusuf, Abdulqawi A. 2005. The right of intervention by the African Union: A new paradigm in regional enforcement action? *African Yearbook of International Law.* The Hague, Martinus Nijhoff.

Zuma, Jacob 2012. Speech of President Jacob Zuma of South Africa delivered at the UN Security Council on 12 January 2012. Available from: <http://www.uruknet.info/?new=85064>