

The African Union Peace and Security mechanism's crawl from design to reality: Was the Libyan crisis a depiction of severe limitations?

*Anyway Sithole**

Abstract

The formation of the Organisation of African Unity (OAU) on the 25th of May 1963 gave hope that African countries would unite in eradicating colonialism as well as facilitating economic and social development. Furthermore, the establishment of the Mechanism for Conflict Prevention, Management and Resolution in 1993 ensured that an institutional structure for the maintenance of peace and security existed on the continent. However, the OAU largely failed to address the challenges that the continent faced and this led to calls for the OAU's transmutation into the African Union (AU). The establishment of the AU on the 9th of July 2002 was thus greeted with high levels of optimism and euphoria, and the expectation that the continental body would now fully tackle the problems on the continent. An important development was the formation of the Peace and Security Council (PSC) on the 25th of May 2004, as main component of the architecture through which peace and security

* Anyway Sithole is a junior research Fellow at ACCORD. He holds a Master of Science (M.Sc.) in International Relations from the University of Zimbabwe and is currently in his final year of study at Nelson Mandela Metropolitan University in South Africa where he is doing his second master's degree, an M.Phil. in Conflict Transformation and Management.

in Africa were hopefully going to be achieved. This development presented an opportunity for the further institutionalisation of Pan-African ideals, with the hope that Africa would forge even closer unity. However, at present, the AU PSC continues to experience severe challenges, some of them inherent in the organisational structure of the continental body while some are externally induced. Some of these limitations include lack of unity of purpose as well as of political will among member states to deal with the conflicts bedevilling the African continent – as evidenced by developments during the Arab Spring. What transpired in Libya in 2011 was a clear indication of the slow evolution of AU ideals, a situation which was further compounded by the intervention and interference by some members of the North Atlantic Treaty Organisation (NATO), under the aegis of the United Nations (UN) and the pretext of the ‘Responsibility to Protect’.

Introduction

The inauguration of the OAU on the 25th of May 1963 carried hopes and aspirations of Africa’s people for an independent, peaceful and prosperous continent. It represented the genesis and institutionalisation of Pan-African ideals. Although the establishment of the OAU’s Mechanism for Conflict Prevention, Management and Resolution in 1993 at the Cairo Summit symbolised the existence of an institutional structure for the maintenance of peace and security on the continent, the OAU failed dismally in its efforts to eradicate conflicts across the continent. Some of the crucial factors which led to the OAU’s failure to bring peace across the continent included such provisions within its Charter as Articles 2(c) and 3(c) which emphasised non-interference in internal affairs of member states, an approach which translated into non-action during periods of turmoil. The Charter contained the provision to defend the sovereignty, territorial integrity and independence of member states, an idea which was later translated into the norm of non-intervention. Key organs of the OAU, which included the Mechanism for Conflict Prevention, Management and Resolution, could only intervene in a conflict situation if invited by the parties involved (Makinda and Okumu 2008). Regrettably, due to religious adherence to this doctrine of non-intervention, the OAU became a silent observer to the

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atrocities committed by some of its member states. The conflict situation which continued to prevail across many parts of Africa was typified by dereliction of responsibility by the continent's collective leadership. Africa witnessed unprecedented violence during the same decade that the OAU established the mechanism to prevent, manage and resolve conflicts. As a result, the need arose among African leaders to forge even closer unity on the continent and adopt a project of regional integration. The AU project was then born in Sirte, Libya, in 1999. The AU's Constitutive Act was subsequently signed in Lomé, Togo, on 11 July 2000 (Gebrewold 2010). The official inauguration took place in July 2002 in Durban, South Africa.

The emergence of the AU was received with much excitement. There were also great expectations of the AU's proposals for innovations which were anticipated to take it beyond the limited achievements of its predecessor, the OAU. In the AU's rather complex institutional framework, there was the Peace and Security Council (PSC) which was officially launched on the 25th of May 2004. As articulated in its founding Protocol, the AU PSC's primary objective is to promote peace, security and stability in Africa in order to guarantee the protection and preservation of life and property, the well-being of the African people and the environment, as well as the creation of conditions conducive to sustainable development. The leading light of the continental security architecture was, and remains, the aspiration for a home-grown (African) approach to finding lasting methods of conflict prevention, and peace and security promotion in a continent riddled by conflicts (Engel and Porto 2010). That was embodied in the concept of 'African solutions to African problems'. However, the recent developments raise questions regarding the extent to which the AU has lived up to expectations. The developments in Libya in 2011 point to institutional weaknesses similar to those which beset the OAU, and this raises doubts as to the continental body's potential to achieve the envisaged 'African solutions to African problems' amid indications of being undermined by various other factors and forces. In the case of Libya, the United States of America (US), Britain, France, Belgium, Canada, Denmark, Italy, with the support of the Netherlands, Spain and Turkey, all under the banner of NATO, 'abused' the UN provisions and undermined the AU's ambitious efforts at finding an amicable and lasting solution to the Libyan crisis.

As highlighted by the then UN Secretary-General, Kofi Annan, in his message during the ceremony to officially launch the PSC, the establishment of the PSC meant that the AU had crossed yet another significant threshold in its quest to promote lasting peace and stability, strengthen democratic institutions and support sustainable development throughout Africa. Annan added that the AU PSC was a potentially powerful tool for the prevention, management and resolution of violent conflict and that the wise counsel and vigorous diplomacy of the AU members was going to be crucial in guiding the continent through the challenges of instability and economic stagnation to the calmer situations of peace and development. However, the question remains whether the PSC has evolved into a formidable and effective structure capable of eradicating conflicts on the African continent.

This article, therefore, examines how the AU, through the PSC, handled the Libyan crisis in its (the AU's) quest to effectively manage and promote peace and security. This comes against the backdrop of perpetual failure to eradicate numerous other conflicts which continue to rage across the continent. However, it appears a bit too early to pass a definitive judgment on the AU's peace operations since the paradigm shift in attitudes that it is attempting to bring about and the institutions that it has developed to do so, are at times undermined by other factors and, therefore, the relatively new security architecture might need to be given the opportunity to work.

Democracy and governance issues in Libya: The genesis of the uprising

For the most part, Arab countries had managed to stay away from the turmoil that has been affecting most parts of Sub-Saharan Africa (Hassouna 2001). However, with the passage of time, an unexpected wave of popular protests, which later became known as the 'Arab Spring', broke out in North Africa towards the end of 2010. The principal causes of the uprisings, just as in other countries on the continent, included decades-long dictatorships, government corruption, and lack of civil and political rights, among other issues. The situation where some sections of the people within some countries are oppressed and some leaders fail

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to respect the fundamental human rights set forth by the AU's Human Rights Charter, has always had high chances of triggering protests. Starting with the fall of the Presidents of Tunisia and Egypt as a result of peaceful protests, the wave spread to Libya where it subsequently turned violent. The revolt against Gaddafi's regime started as a wave of protests, especially in Benghazi in the eastern part of Libya around mid-February 2011, and later spread across the country. However, the protests escalated/degenerated into civil war across the country after government troops loyal to Gaddafi descended heavily on demonstrators and fired on them.

The history of Libya has always been controversial if compared with Western models of governance and democracy. Assessing Gaddafi's rule over 42 years from the time he assumed power in a coup in 1969 reveals many appalling deficiencies in governance and democracy. The Gaddafi regime lacked transparency and had an arbitrary nature of policy making. The system of governance also had formidable and effective organs of coercion which managed to overcome a multiplicity of challenges, creating a perceivably stable, but not democratic society (Martinez 2007). Gaddafi's heavy-handed approach in political and governance issues over the four decades of political marginalisation and oppression antagonised quite a sizeable number of Libyans. Although Gaddafi did fairly well in terms of socio-economic development, his reign was renowned for repression of political dissent as well as the formation of a personality cult around Gaddafi as the enlightened 'Leader and Guide' of the revolution (Koko and Bakwesegha-Osula 2011). It was this tendency to squash dissent which the regime adopted when the protests broke out. The seemingly peaceful protests which started in Benghazi around mid-February 2011 turned violent within a week. This was partly because of the Gaddafi regime's crackdown on protesters and partly because an armed opposition group, the Transitional National Council (TNC), was also quickly established (Williams 2011). As if to lend credence to the purported assumption that the uprising was pre-meditated, the TNC established full and operational units under its command within a very short period of time. Although the opposition forces enjoyed rapid success during the beginning of the armed protests, the Gaddafi regime later tipped the balance of power back in their favour as they unleashed heavy attacks in order to

destroy the rebellion's epicentre in Benghazi. It was against this background that the crisis assumed full-scale armed conflict, marking the genesis of the Libyan debacle which later attracted international attention, divided the AU and shook its fragile new foundations of democracy and conflict prevention.

The AU's role and involvement in the Libyan conflict

In most cases, the ambitions of the AU on the continent are clearly evident in the quest for peace, and the determination to strive for peace seems sincere (Møller 2009). It is observable that the AU does not simply watch without doing anything as deadly events unfold and plague countries on the African continent. In the case of Libya, there was evidence of positive AU hands-on involvement right from the start and it (the AU) undertook a number of initiatives aimed at bringing peace to the country. When the conflict exploded in Libya, the AU intrinsically took the responsibility to engage all the different stakeholders in Libya with the hope of finding an amicable solution to the crisis. One of the AU PSC's first and very commendable initiatives was the creation, on the 10th of March 2011, of an AU High-Level Ad Hoc Committee on Libya which was tasked to find means to stop the escalation of the Libyan crisis. The Committee was mandated to pay special attention to the troubled state with a view to engaging all key stakeholders in the quest to mediate a solution to the crisis. The idea was informed by Ugandan President Yoweri Museveni who was categorical during one of the AU meetings that the Libyan crisis was an African problem and therefore called for an African solution with the assistance of the wider international community (Museveni 2011). Working with the AU Commission Chairperson, Jean Ping, five countries represented by their respective presidents were appointed to this Ad Hoc Committee: South Africa (Jacob Zuma), Mauritania (Mohamed Ould Abdel Aziz), Mali (then under Amadou Toumani Toure), Congo Brazzaville (Denis Sassou Nguesso) and Uganda (Yoweri Museveni).

In pursuit of noble intentions meant to bring peace to Libya, the AU, in conjunction with the Ad Hoc Committee on Libya, came up with an AU roadmap to peace which sought to bring all the stakeholders around the table for purposes of working out modalities to implement a five-point plan whose objectives were: protection of civilians and the cessation of hostilities; provision of humanitarian

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assistance to affected populations; the initiation of political dialogue among the Libyan parties in order to reach an agreement for implementing modalities for ending the crisis; establishment and management of an inclusive transitional period; and the adoption and implementation of political reforms necessary to meet the aspirations of the Libyan people. In all fairness, the AU roadmap to peace in Libya was a genuine attempt at conflict resolution and not merely an attempt to shore up Gaddafi's appearance of legitimacy. In pursuit of these objectives, several other AU PSC meetings were held. Concerns were raised about the military intervention in Libya by some countries under the banner of NATO. Besides arranging for AU foreign ministers to meet with representatives of all the countries bordering Libya in order to discuss the regional implications of the conflict as well as map out strategies for regional stability, the AU mediation panel (the High-Level Ad Hoc Committee) also issued statements rejecting all forms of military intervention in Libya.

Besides expressing deep concern at the dangerous precedent that was being set by the lop-sided interpretations of the UN Security Council (UNSC) Resolutions 1970 and 1973, the AU Summit directed the PSC to diligently consider authorising the immediate deployment of an AU Observer Mission to monitor developments on the ground and facilitate the subsequent establishment of a bigger international mission which was supposed to involve the UN, the League of Arab States, the AU and any other relevant organisations. The AU Summit also urged member states to avail manpower, and financial and logistical support for the early and efficient deployment of the envisaged mission. Besides urging all the stakeholders in Libya to cooperate with the AU, the Summit also requested the African Group in New York and African members of the UNSC to take the initiative and call for a UNSC meeting to re-assess the implementation of the UNSC resolutions 1970 and 1973 which were apparently undermining the AU efforts, and causing the continental organisation to feel marginalised in the management of issues of an African country.

On behalf of the AU, South African President Jacob Zuma undertook two visits in two weeks during the month of June 2011 to meet and negotiate with Gaddafi (Massoni 2011). The NATO forces' disregard of the calls by the AU to halt the bombardment clearly undermined the continental body's efforts to bring

peace to Libya. The intention to undermine the AU was clearly demonstrated by the following. The AU High-Level Ad Hoc Committee, in conformity with resolution 1973 of the UNSC, requested on the 19th of March 2011 (after meeting in Mauritania) permission for the flight carrying its delegation to enter Libya on 20 March 2011 for purposes of fulfilling its (the Ad Hoc Committee's) mandate, but was initially denied permission notwithstanding the fact that both parties in the Libyan conflict had agreed to the proposal for dialogue (Bennis 2011; Mbeki 2011b). However, it was only after persisting that the AU Ad Hoc Committee was eventually allowed to fly into Libya during the beginning of April 2011 for consultations with all the stakeholders in the country. In the African spirit of brotherhood, Gaddafi accepted the AU roadmap to a political solution of the crisis. Besides consulting with the US and NATO to cease bombings so that the ceasefire agreement could be given a chance, the Ad Hoc Committee also flew to Benghazi, the bedrock of opposition to Gaddafi's rule, to consult and sell the AU roadmap to peace. However, the AU effort failed when the (then) rebels rejected the proposed roadmap to peace, arguing that the offer was a political manoeuvre by the AU. Given Gaddafi's ties with some African countries ever since he abandoned Pan-Arab ideology in favour of Pan-African ideology, and the fact that he assisted some of the African countries in various ways (Sammut 2009), the AU was viewed as a tool or running project of his (Gaddafi's) ambitions and not as a potential genuine/honest broker in the crisis. It was deeply believed in the eastern parts of Libya that African leaders were determined to help Gaddafi to cling on to power (Murphy 2011). As a result of the scepticism about the neutrality of the AU, the (then) rebels rejected the proposed roadmap, insisting that they were not going to accept any plan that fell short of Gaddafi's departure. This further complicated and stalled the AU efforts.

Additionally, the AU issued statements clearly detailing its intention to organise a resource mobilisation conference to cater for the emerging problems in Libya as well as to meet with the Arab League and the UN to strategise ways to find an early resolution of the conflict. In the meantime, the AU Commission Chairperson, Jean Ping, held several meetings with some officials from European countries, highlighting the common African position on Libya as evidenced by the consensus on the five-point plan that made up the roadmap, seeking

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their backing for the AU roadmap for resolving the Libyan crisis. Generally, the AU had the commitment to fulfil its mission to restore peace in Libya in spite of debilitating developments. Promising to act in compliance with the UN Resolution, the AU made it public that it was not going to spare any effort in facilitating a peaceful solution which was intended to duly consider the legitimate aspirations of the Libyan people. Notwithstanding the ingenuity as well as the efficacy of the AU roadmap, the NATO forces which participated in the Libyan campaign disregarded the peace plan and chose to undermine the AU.

The United Nations Security Council Resolutions 1970 and 1973

From its inception, the UN has always been striving to maintain peace in the world. As highlighted in its founding statutes, it is also one of the UN's roles to ensure that conflicts are peacefully settled before resorting to the use of force. 'Peaceful means' implies the use of approaches such as negotiation, mediation, conciliation and arbitration, among other nonviolent methods. However, what transpired in Libya demonstrated undue influence and unwarranted and unjustified intervention since other peaceful means were never considered. Instead of taking a cue from the AU roadmap to peace in Libya, the UN, under the influence of mainly the US, the United Kingdom (UK) and France, supported by several other NATO members, decided to heed the call by the Council of the Arab League for the imposition of a no-fly zone. The call by the Council of the Arab League provided the much needed political cover for the much criticised military intervention. Besides the intervention being a complete violation of the 'letter and spirit' of the UNSC resolutions, it greatly undermined the efforts of the AU which is one of the UN's key pillars to support the furtherance of the objective to maintain or restore peace in the event of conflict. The AU's efforts to restore peace in Libya were seriously undermined by the intervention of the NATO forces.

The UN's actions appeared to have been premeditated and influenced by ulterior motives of some member states that either had a vendetta with Libya or the then President Gaddafi, or simply chose to undermine the AU efforts. Drawing parallels with the sequence of events during the Gulf crisis, developments in

Libya smack of a deliberate but veiled agenda to take advantage of the uprising in Libya and undermine the AU's evolving strategic capacity. Following the initial disturbances in Libya which started in Benghazi on February 16, the UNSC responded by adopting Resolution 1970 which imposed travel bans on senior officials of the Gaddafi regime, froze Libyan leaders' personal assets, and instituted an arms embargo (Francois 2011). In pursuit of the objective to maintain peace and security, Resolution 1970 was quite in order as it sought to pressure Gaddafi to negotiate a peaceful settlement with the rebels. However, it is the manner in which the subsequent UNSC Resolution 1973 was adopted and implemented which stirred controversy and ultimately undermined the AU's approach to the Libyan crisis. In complete contrast with what happened during the Gulf crisis, UNSC Resolution 1970 (which was passed on 25 February 2011) had no deadline for implementation. That notwithstanding, passing Resolution 1973 on 17 March 2011, 20 days after Resolution 1970, raised many questions over the efficacy of measures adopted to resolve the crisis as it smacked of double standards and ulterior motives by some Western countries (Khawaja 2011). Military action was initiated without exhausting all other possible channels of peaceful resolution of the crisis. Even after passing resolution 1973 on the 17th of March 2011, French forces started bombarding Libya one day later, on the 18th of March 2011. It was unlike the Gulf crisis where all possible measures for peaceful resolution of the crisis were exhausted. Despite the fact that the Gulf crisis posed a threat to international peace and security, Iraq was given a longer period of time to withdraw its forces before the international community resorted to military action. The first resolution (Resolution 678) was passed on 29 November 1990 and Iraq had a deadline date of 15 January 1991 to withdraw its forces. This significant restraint was in conformity with the UN Charter's Article 42 which stresses the use of force only as a last resort (Khawaja 2011).

Further evidence of the intention to undermine the AU clearly came from the statements by President Obama (US), the then President Sarkozy (France), and Prime Minister Cameron (UK) who declared in a joint letter published in the media on the 15th of April that they could not contemplate Libya's future with Gaddafi in power. They further indicated in the same letter their hope for Libya's future without Gaddafi, insisting that he (Gaddafi) 'had to go for good' (Mbeki 2011a). Additionally, the call for Gaddafi to leave the country and face

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trial in the International Criminal Court (ICC) only served to render a ceasefire impossible and to maximise the prospects of continued armed conflict since it emboldened Gaddafi's resolve to remain in Libya and fight to the bitter end. These developments worked against the AU efforts to restore peace in Libya as the TNC gained courage from these statements to fight on.

The AU's weaknesses: Induced or inherent?

The ambitions of the AU in its attempts to resolve conflicts on the African continent do not always bring about positive results. In most cases, the determination to strive to achieve its (the AU's) objectives seems sincere (Møller 2009). Despite a robust peace and security design for the AU, the organisation appears to be handicapped by numerous factors and inherent structural deformities which hinder it from achieving its goals. Among some of the factors which tend to limit the AU's effectiveness are the lack of unity of purpose among the member states, inaction on critical issues, ineffective resolutions, and external interference in the affairs of the African continent. These are discussed as follows:

Why did the AU roadmap fail?

Although there is very strong criticism of the role of some Western powers in Libya as they stand accused of undermining the approach of 'African solutions to African problems' – evidenced by the manner in which the AU's roadmap for peace in Libya was undermined by the use of excessive force aimed at regime change, it can also be argued that the roadmap never had any prospects of achieving success (Nathan 2011). Although the AU was never afforded the opportunity to play a leading role in finding a solution to the Libyan debacle despite its effort to try and engage all the parties to the conflict (Ebrahim 2011), its approach (of preventive diplomacy) was no longer a viable option because the rebellion had already started.

Lack of unity of purpose among AU member states

The lack of unity of purpose among African states is a fundamental problem that dates back to the colonial era. By then, the divisions resulted in the formation of blocs such as the Casablanca, Monrovia and Brazzaville groups. This led to

a general consensus that the initial formation of the OAU was a compromise. Such divisions manifested themselves again at the time of the transition to the AU. The gradual unity that the newly independent African countries favoured in 1963 is still preferred in the present day and, although it can be classified as pragmatic politics, it is a reflection of compromise politics that serves short-term goals. African states have continued to favour compromise politics because of the emphasis on the Westphalian concept of state sovereignty that focuses on state rights without duties.

AU member states are still not enthusiastic about devolving sovereignty to the continental organisation as a supranational body. In addition, this lack of unity has often been responsible for the perceived failure by the AU to attain a common position on critical issues. The AU roadmap to peace in Libya did not materialise because the continent was not united in the adoption of a common position to solve the Libyan crisis. In spite of Gaddafi's well publicised largesse towards other African countries as well as other initiatives which included Libya's regular 15% contributions to the AU operational budget (Nolan 2011), his interference in the affairs of other African countries earned him few genuine friends among African leaders. Therefore, diverging views among African leaders regarding Gaddafi's regime quickly translated into a lack of coherence within the African countries. It was against this context that the African member countries which participated in the UNSC proceedings leading to the passing of resolutions 1970 and 1973 are considered to have let down the continent. Whereas there was not much of a problem with resolution 1970, it is the implementation of resolution 1973 which sparked much controversy. The three African countries that were serving as semi-permanent members of the UNSC at that time, viz South Africa, Nigeria and Gabon, supported resolution 1973 probably for different reasons and might not have been aware of the likely consequences. That notwithstanding, this development demonstrated a lack of strategic coordination between the AU Commission and these semi-permanent members of the UN insofar as protecting the AU's position/interest was concerned. The AU 'common position' encapsulated in its roadmap to peace, had already been crafted by the time the UNSC voting took place (Koko and Bakwesegha-Osula 2012). Additionally, South Africa's vote in support of resolution 1973 invited

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the ire and criticism of other African countries since the continent expected the political and economic giant in Africa to play an effective role in articulating and asserting Pan-African values. Zuma, representing South Africa and being the leader of the five-member AU High-Level Ad Hoc Committee on Libya, had the opportunity to articulate the African common position on the matter. Voting for the UNSC resolution 1973 was contrary to what the AU PSC had agreed (Museveni 2011). Although the damage was irreparably done, Zuma tried to defend South Africa's stance by accusing some NATO members of overriding the purpose of the UNSC resolutions 1970 and 1973, which apparently did not authorise implementation of a regime change agenda, but was supposed to be limited solely to the protection of civilians (Massoni 2011). Zuma's criticism of the NATO air strikes, which he later considered to have been against the 'letter and spirit' of the UNSC, came a bit too late and was of no consequence as discord and disunity among African countries had perceptibly taken root already.

Lack of unity of purpose and patterns of enmity among African countries also became evident as the Libyan crisis unfolded. This happened notwithstanding the AU's declaratory commitment to a culture which precludes disunity and in particular behaviour that privileges armed conflict (Vreÿ 2008). About three months after the crisis erupted, cracks which had emerged within the AU started widening. By June 2011, as a sign of protesting against Gaddafi's approach to the Libyan crisis, Liberia suspended all diplomatic relations with the Libyan regime as a way to gradually isolate Gaddafi. With the passage of time, Gambia, Senegal and Mauritania started recognising the TNC, a move which was directly contrary to the AU principles (Massoni 2011). As events unfolded, sharp divisions among AU members continued. As the conflict intensified and as Gaddafi became less and less vocal, his public appearances were drastically reduced and his whereabouts unknown, and Botswana as well as one of the African powerhouses, Nigeria, were quickly added to the list of African countries that recognised the TNC as the bona fide government of Libya (Kasasira 2011). Interestingly, the situation was the opposite in Zimbabwe where Mugabe refused to recognise the TNC even well after the death of Gaddafi. The Libyan Ambassador to Zimbabwe, who hoisted the TNC flag at the Libyan embassy in Zimbabwe during the peak of the crisis, was expelled from Zimbabwe as the government issued a 48-hour

ultimatum for the Ambassador to leave the country because he had violated the perceivably 'common position' of the AU by then. These divisions across the continent shook the AU's new and fragile foundations designed to promote democracy and the prevention of conflict (Sturman 2012).

The AU itself later blundered in the manner it handled the Libyan conflict. The AU decision to recognise the TNC was in complete violation of its working ethics as an institution. Initially, the AU was not really in support of international opinion, opting for an isolated and ambivalent view of events in Libya. With so much discord, which was characterised by some African countries supporting the TNC while others either remained undecided or opted to openly support the Gaddafi regime, the demise of the AU's common position on the Libyan conflict and the futility of opposing the TNC became glaringly evident and inevitable. Although the AU PSC, during its meeting on 26 August 2011, as well as the High-Level Ad Hoc Committee meeting, made it conditional to recognise the TNC only after the creation of an all-inclusive transitional government, the TNC was subsequently recognised before the formation of any government, even during the post-Gaddafi era. Such statements were viewed as veiled acceptance of the TNC. This development threatened the AU's normative framework which governs unconstitutional changes of governments. There is no doubt that the toppling of Gaddafi by the TNC was a case of unconstitutional change of government since the situation involved the replacement of a recognised government by armed dissident groups and rebel movements (Koko and Bakwesegha-Osula 2012). Additionally, the recognition of the TNC by the AU amounted to an official endorsement of the AU's own marginalisation by the deliberate acts of the UN and NATO's coalition of the willing which actively but secretly supported the TNC.

The developments and divisions surrounding the Libyan conflict were, to some extent, quite reminiscent of what transpired in Madagascar in 2009 when Rajoelina ousted Ravalomanana in a coup. Although the AU PSC condemned the unconstitutional takeover of power in Madagascar, it was expected that all progressive and peace-loving African nations were going to take a common position on African conflicts. Interestingly, Gaddafi, during his tenure as chairman of the AU during that year, unaware that a similar fate was going to

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befall his country a couple of years later, announced at that time that the Libyan government recognised the Rajoelina government, in stark contrast with the AU PSC position (The Economist [online] 2009). When similar developments happened in Libya in 2011, such disunity among African states worked to undermine AU efforts to attain a collective voice on an important peace and security matter which had befallen the African continent.

Inaction on critical issues and ineffective resolutions

The lack of unity of purpose among African states has also resulted in the continental body failing to act decisively on critical issues. National sovereignty appears to take precedence ahead of the desires of the supranational organisation which in this case, is the AU. AU member states seem to have much national pride and they show signs of unity as a continent mainly at symbolic level. This has been more apparent whenever states feel that their 'sovereignty' has been threatened. Most Heads of State are still committed to the older rule of non-interference. There has been an emphasis on the Westphalian notion of absolute sovereignty, coupled with a lack of the sense of collective action motivated by the need to achieve collective security. The result has been, among other issues, ambiguous provisions within the Constitutive Act and the focus on sub-regionalism as opposed to regionalism/continentalism. This was quite evident in Libya where it became clear that there was no joint coordination in policy between the AU and the Arab League (Dubbelman 2012). Initially, the US was reportedly reluctant to intervene in Libya without the consent of the majority of Muslim nations. However, on the 12th of March 2011, the Council of the League of Arab States issued a statement calling for the imposition of a no-fly zone over Libya. This development showed that the Arab League was more aligned to NATO than the AU. This literally paved the way for the US to influence the UNSC, a development which eclipsed the AU's mediation plans (Sturman 2012). NATO forces were later allowed to use the Arab League's air space to launch attacks into Libya.

Generally, the continental body appears to focus more attention on creating situations free of direct physical violence (negative peace) through conflict management and resolution, which is more costly and difficult to achieve than

conflict prevention through preventive diplomacy which may bring about positive peace. The descent/collapse of many African countries into devastating armed conflict illustrates the consequences of perpetual inaction of the continental body. The inaction could be a possible reason why, in most instances, the peace missions that are deployed by the AU have restrictive mandates, that is, the missions are confined to observation instead of protection of the civilian population through the use of force when necessary. The AU, through the PSC, appears to have no teeth to enforce its resolutions and has become more of a spectator of the political squabbles rocking the African continent.

The swiftness with which the conflict spiralled in Libya found the AU unprepared to tackle the crisis with corresponding speed. Unlike the demonstrations in Tunisia and Libya which were peaceful until the leaders surrendered power, the uprising in Libya turned violent within a week (Mbeki 2011b; Williams 2011). This reason, coupled with the lack of tact and innovation on the part of the AU, and the absence of precedents in dealing with seemingly new modalities of regime change, appear to have influenced the slow response and softly-softly approach by the continental organisation towards the crisis in Libya. The AU's response was rather lethargic. Initially, the AU PSC issued two very strong declarations supporting the legitimate aspirations for democracy by the people of Libya, condemning violence and the violation of international humanitarian law against civilians. Besides the pronouncements condemning the grave developments in Libya from the time the campaign against Gaddafi started (around mid-February 2011), the AU's first effective and action-oriented response was almost a month later (on 10 March 2011) when the desire to seek to mediate through the High-Level Ad Hoc Committee was finalised. This development and the adoption of the roadmap were in synchronisation with the AU's age-old and usual doctrine of dealing with intra-state conflict. This demonstrated the lack of innovation as the approach did not take into consideration the then rebels' rapid switch from popular uprising into a *de facto* civil war (Koko and Bakwesegha-Osula 2012).

Some scholars argue that despite the interference in Libya by the Western powers whose use of excessive force undermined the African approach to African solutions, there were no prospects of success for the AU roadmap to peace right

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from the beginning (Nathan 2011). This was an appropriate projection which was later vindicated. Indeed, there were misconceptions about the violent uprising, rebellions and the practice of mediation. Given the nature of rebellions and the fact that the Libyan uprising had just begun, chances of successfully mediating between the warring parties were highly likely to fail during the infancy stages because the mutually hurting stalemate was far from being anticipated (Nathan 2011). The attempt by the AU High-Level Ad Hoc Committee to mediate and seek assurance of a ceasefire during the infancy of the crisis was premature and unrealistic. This was because of the fact that Gaddafi's forces were escalating the bombings while the TNC was launching retaliatory attacks as well as rebuffing talks on AU terms (Sturman 2012). Given the TNC's great frustration with Gaddafi's perceived tyranny as well as with exclusion from governance, coupled with the inspiration from the Tunisian and Egyptian experiences which were recent by then, and the attendant determination to overthrow the incumbent regime, the AU roadmap was bound to be rejected (Nathan 2011). Interestingly, even if the proposed settlement was noble and acceptable, it was still doomed to fail because of skewed perceptions among the protagonists. The AU was not acceptable to the TNC as a credible, trusted, non-partisan and genuine mediator since it had consistently ignored the structural violence in Libya. The TNC also suspected that Gaddafi had accepted the roadmap to peace fully aware that the AU lacked the 'hard power' to enforce compliance in the event that the TNC had accepted the peace initiative. The TNC therefore suspected that Gaddafi was likely to make use of the AU proposal to bolster his position and possibly weaken the TNC. Coincidentally, the TNC's rejection of the AU peace plan was actually in line with the stance that was taken by NATO's coalition of the willing.

Importantly, African leaders have initiated and sustained over the years a conservatism buttressed by the notion/culture of peer-shielding that entails an unwillingness to criticise one another – especially on questionable governance issues. The principle and practice of African solidarity gradually became the reigning ideology on the continent. This has also been justified by obscure notions of 'African solutions to African problems' when conflict situations deteriorate. Many African leaders were shaken by the developments in North Africa and they also became vulnerable to volatile public sentiment.

Therefore, the attitude of other African Heads of State was quite cognisant of the risk of having the protests overflowing to their countries, and this underpinned the cracks which emerged among the African countries (Clarke 2012; Harsch 2011). They could not openly condemn Gaddafi's crackdown on the protesters because they were likely to adopt similar repressive tactics if the uprisings had spread to their countries.

Possible innovations to enhance the AU's effectiveness

The AU, through the PSC, may have to take very bold steps to ensure the success of its efforts to maintain or in some instances restore peace and security on the continent. One of the first things that the AU could possibly do in order to realise some of the intended AU goals is to enhance the ability to act before conflicts escalate to become destructive. The system of governance which was in Libya before the uprising was not wholly informed by the tenets of conventional democracy and universal suffrage as practised in most of the modern democratic states. Gaddafi's system of democracy was questionable given the fact that the country never had popular conventional elections for four decades (Martinez 2007). If the AU had a clear mechanism to act on potentially volatile situations, the Libyan crisis could have been somehow averted. Given the existence of the continental early warning system, the arm of the AU PSC which facilitates timely and efficient detection of and response to conflict and crisis situations in Africa (AU Compendium 2012), the Libyan crisis needed to be managed before getting out of hand. Chances are that the Continental Early Warning System might have been aware of the divisions, grumbling and discontent among the Libyans over Gaddafi's leadership and style of governance. Ideally, preventive action could have been instituted before the situation turned violent as it did. Even when the insurrection erupted, reports of the Gaddafi forces being heavy handed and committing mass atrocities against the protesters could have been timeously detected and attended to with the speed that it deserved. The visibility of the AU's mechanism to react timeously to conflict situations appears to be the missing link which needs improvement, lest the continental early warning mechanism be viewed as ineffective.

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There is need for a paradigm shift among African countries especially on the role of the PSC as a continental mechanism and the co-operation that should take place between the PSC and sub-regional mechanisms. The stance which was taken by the Arab League to call for the imposition of a no-fly zone undermined the AU. A trend of benign neglect and the absence of a shared strategic vision are quite evident across Africa. A shared strategic vision can only be achieved if African countries were to reflect and address some of the fundamental issues which underlie the AU's failures in maintaining peace and security across the continent. The need for integration and collective security undergird some of the AU's aspirations. For integration and collective security to be achieved among African countries, there is need for partial surrender of sovereignty to the AU. The tendency by states to value national interests ahead of collective security, a tendency which is anchored in the celebration of national sovereignty above continental sovereignty, needs to be altered. The partial surrender of sovereignty does not mean the forfeiting of the right to manage a particular territory, but entails the promotion of collective security through a supranational structure which, in this case, is the AU. If this was observed in Libya, then the continent could have rallied behind a common position and the situation could have turned out differently.

These recommendations might gradually be achieved if African countries heed the call to unity that has always been stressed and was the underlying cause for the formation of the OAU in 1963 and the subsequent transformation which gave birth to the AU. Unity will enable member states to realise the utility of working within the framework of the AU and PSC in maintaining peace and security across the continent. Collective continental unity and political will can go a long way in assisting the AU PSC's ambition to rid the continent of conflicts which have frequently been erupting across the African continent despite the creation of the AU, which is a rebranded and supposedly re-invigorated version of the OAU. It will also enhance collective action in conflict situations and ensure that the continent attains a collective voice, especially on peace and security issues affecting Africa. The developments in Libya clearly show the neglect of the virtues of the envisaged unity and the consequential invasion of Libya typified the absence of unity.

The AU should evoke the notion of the responsibility to protect (R2P) in circumstances where a government launches indiscriminate assaults on the very people that it ought to protect. Intervening in grave circumstances would be in line with the provisions of Article 4(h) of the AU Constitutive Act which envisages that the continental organisation will have the right to intervene in member states in the event of grave circumstances like crimes against humanity (Gebrewold 2010). Although some NATO countries stretched and abused the concept of the 'Responsibility to Protect' in order to disguise the regime change agenda in Libya while undermining the AU, the intervention also exposed the AU's political unwillingness to implement Article 4(h) of its Constitutive Act (Kuwali 2012).

The need for the AU to be progressive, innovative and adaptive to changing situations remains imperative. The fact that the uprising in Libya was slightly different from the usual military coups called for tactical innovation in dealing with the crisis. There was need to recognise that North Africa is an exceptional sub-region of Africa which overlaps with the Arab and Mediterranean realms. Therefore, the AU could not so easily play a leading role on its own in Libya given the attendant threat and security implications of the wider context of the Arab Spring to Southern Europe (Sturman 2012). Taking note of the implications and limitations of 'African solutions to African problems' for such countries which are not in Sub-Saharan Africa, and considering the wider context of such conflicts would greatly help the AU in future.

Conclusion

The AU in general and the PSC in particular have a huge mandate and a lot of potential to manage and transform conflicts besetting the African continent. To ignore the conflict phenomena that the AU promised to eradicate would be a negation of its core and founding principles as enunciated in the AU Constitutive Act. Whereas armed conflicts have become the most serious threat to its vision, the AU has to demonstrate its new stance of non-indifference through military interventions where necessary. However, to date, the AU's performance has been very modest. Normative preferences regarding sovereignty, non-interference and non-intervention remain very contentious issues within

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the AU. Armed insurrection, as happened in Libya, is therefore testing the AU intervention capacity amid indications of a tendency to steer clear of the military option even where the need is overarching. Additionally, the AU has not been as effective as expected since the institution lacks teeth to enforce its resolutions. The institutional limitations, ineffectiveness, disunity and lethargic approaches to critical issues were all exposed during the 2011 Libyan crisis. As the Libyan conflict unfolded, the AU members simply tried to find a way to restore their reputations and gain a larger share of the new African diplomatic order, one where Libya's role was going to be diminished notwithstanding the outcome of the war. Despite registering some successes on a number of other fronts, the AU may take a little longer to have a solid/united and effective continental mechanism to decisively deal with the conflicts besetting the African continent. Inadvertently, the quest for unity in Africa is at times hindered by some external forces that blatantly disrespect the idea of 'African solutions to African problems'. Additionally, the AU's inability to arrive at common positions during upheavals continues to undermine its effort and noble intentions as evidenced by the Libyan crisis. However, instead of moaning about the perceived imperialist pretensions of some Western powers to divide and possibly rule/control Africa in furtherance of their interests, a more sustainable approach for AU leaders would be to see to it that local grievances are effectively addressed before conflicts become pronounced. While there are limitations to the AU's fledgling institutions and mechanisms developed to manage conflicts across the continent, the AU and especially the PSC may still need to be given more time to evolve and work effectively, notwithstanding the fact that it is now more than one decade after the transition from OAU to AU.

Despite the AU's failure to precisely distinguish between benign neglect and malign involvement in the Libyan uprising, the fact remains that the AU member states lack political will and unity, as well as a broader diplomatic strategy to tackle continental challenges to peace and security. For the AU to forge a common strategic peace and security culture which will deal decisively with armed conflicts across the continent, it may require a majority conception and some enduring, far-reaching changes that might be difficult to achieve within the foreseeable future as long as present conditions persist. While it is an

apt time to reflect on whether the old rules still undergird the AU intervention strategy, it remains overarching that African leaders must stand together to erase the contagion of the 2011 Libyan experience and move forward to ensure a solid strategic capacity of the AU so that they, as leaders, become the midwives of the envisaged Africa destiny.

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