A review of the African Union's experience in facilitating peaceful power transfers: Zimbabwe, Ivory Coast, Libya and Sudan: Are there prospects for reform?

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Abstract

Succeeding the Organisation of African Unity (OAU), whose main concern had been decolonisation, the African Union (AU) began focusing on enhancing human security and consolidating democracy. The new Union was faced with huge challenges, however. Of 47 Sub-Saharan Africa states that had embarked upon democratisation, 42 failed to transform and democratise. Then, early in 2011, the grassroots in five North African states rose to overthrow their near monarchical regimes and succeeded in spreading the initiative into the rest of the Arab World. The AU found itself engaged in attempts to resolve complex conflict situations, but with the international community as an active participant. With limited resources, but boasting political legitimacy over African member states, the AU intervened into the various crises with mixed results. It was unable, however, to enforce the compelling tools at its disposal – such as mediation forums, suspension of membership, withdrawing recognition of legitimacy and even imposing sanctions on truant political players and member states. It also had to fight a credibility battle as an African organisation not taken seriously,

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undermined by former colonial powers and marginalised in the international security system. This paper, therefore, seeks to make a critical evaluation of four AU intervention efforts in situations of blocked political-democratic transitions, and to make suggestions on strengthening such efforts and enhancing credibility – in the eyes of ordinary Africans and the international community.

Abbreviations

AU	African Union
AUHIP	African Union High Level Implementation Panel
CA	Constitutive Act
CPA	Comprehensive Peace Agreement
EU	European Union
GNU	Government of National Unity
GPA	Global Political Agreement
HAT	High Transitional Authority – in Madagascar
ICC	International Criminal Court
ICG	International Crisis Group
IMF	International Monetary Fund
NTC	National Transitional Council
OAU	Organisation of African Unity
SPLA/SPLM	Sudan People's Liberation Army/Sudan People's Liberation Movement
UNSC	United Nations Security Council
WB	World Bank
ZANU (PF)	Zimbabwe African National Union - Patriotic Front
ZESN	Zimbabwe Election Support Network

Since July 2000, when the Constitutive Act (CA) was adopted in Lomé, Togo, establishing the AU as a successor to the OAU – whose primary objective, since May 1963, had been the complete decolonisation of the continent, following the events after the 1884 Berlin Conference that had balkanised and divided up the continent – a new approach to conflict resolution has been ushered in. This is characterised by encouraging member states to create functioning democracies and economic prosperity for Africans, by criminalising unconstitutional changes of governments and actually banning military coups d'état, and finally, by providing the most important innovation in the new era, the right of the AU to intervene in a country where atrocities as grave circumstances, war crimes or genocide were being inflicted upon civilians. (Constitutive Act of the African Union 2000: articles 3 (c), (f), (h) and (k); 4 (d), (h) and (p)). These lofty ambitions that form the framework of the AU have laid the foundations for transforming the continent towards 2015, in line with the Millennium Development Goals.

When the AU member states adopted the CA, another form of inheritance was still in place – one that had deformed the natural progression of the African political system even after the residual tendencies of colonialism. This was the imposition of the cold-war spheres of influence since the Korean War of 1950–53, a global security jacket that had imposed itself on weak and developing countries' political systems (BBC 2012). This ended in 1991 when the Soviet Union collapsed, allowing parts of the world to chart their own different courses of political transformation. It is against these events in the international security system that Africa found itself saddled with the stale African political systems that were in place, designed to uphold and advance external super-power interests rather than those of ordinary Africans. Most were presented as one-party state systems, creating environments in which dictatorships emerged, negating the natural evolution of democratic institutions, norms and practices and therefore stifling internal political freedoms and democracy.

In Egypt, Somalia, the then Zaire and other countries, regimes in power had been truncated, transforming the narrow caste of political elites to serve as proxies for external powers. In turn, the Mobutu Sese Seko-like regimes enjoyed the support of the superpowers, in maintaining the sphere of influence line,

while suppressing and subjugating their own peoples' political freedoms and ambitions. When the oppressive cover of the cold war was lifted, between 1989 and the early 2000s, 47 Sub-Saharan African states embarked upon economic liberalisation to open up trade and investment to global market forces, as well as upon political transformation to embrace multiparty democracy. This was undertaken under the so-called Washington consensus, championed by John Williamson, and supported by the IMF and World Bank amongst others (Williamson 1989; Rodrik 2006). This process was perceived and prescribed as the necessary but specific policy prescriptions, constituting the 'standard' reform package for developing countries.

It is in the implementation of this wide ranging and progressive agenda of the AU, in the intervening period of 2000 to 2012, that serious challenges have emerged which form the focus of this research in order to ascertain what the AU has achieved in the area of facilitating democratic power transfers.

In the last decade, the AU – established as a successor to the OAU whose main concern had been decolonisation – has focused on the dual challenges of enhancing human security and consolidating democracy. In order to achieve this, the AU spent the first part of the decade developing guiding protocols before launching itself, operationally, during the second half.

In 1989, while North Africa remained immune from the winds of democratisation, 47 Sub-Saharan Africa states embarked upon democratisation, seeking to move away from the era of the one-party-state and long-reigning leaders. Within five years, 42 states had failed to transform and democratise. Some of the prominent states included the then Zaire (now Democratic Republic of the Congo), Somalia, Sudan, Burundi, Rwanda, Uganda, Ethiopia, Eritrea, Kenya, Guinea-Bissau, Zimbabwe, Ivory Coast and Madagascar. This confirms Samuel Huntington's assertion of Africa remaining outside his identification of developing states in the Third Wave of Democratisation (Huntington 1992; London 1993).

In January 2011, the grassroots in North Africa rose, almost as one, to overthrow the near monarchical regimes in Tunisia, Egypt, Algeria, Morocco and Libya, succeeding in spreading the initiative into the rest of the Arab World (Bassett and Straus 2011).

Faced with this twin challenge of recalcitrant incumbents, supported by partisan institutions in Sub-Saharan Africa, succeeding in blocking democratic transitions, and the dizzying speed of the collapse of regimes in North Africa, the AU found itself engaged in complex conflict resolution crises that had the international community as an active participant. In the case of Ivory Coast and Libya, the United Nations (UN) passed compelling resolutions, calling for armed intervention. For the AU, bereft of any integral forces, armed with a series of conflict resolution protocols that are still to be ratified, but boasting political legitimacy over any African member state, the organisation has intervened in the various crises with mixed results.

Based on the episodic and anecdotal evidence so far, the AU appears deliberately weakened, unable to enforce the compelling tools that it has, such as: mediation forums, suspension of membership, withdrawing recognition of legitimacy and even imposing sanctions on truant political players and member states. Meanwhile, the AU is also fighting a credibility battle as an African organisation that is not taken seriously, and is continually undermined by former colonial powers and marginalised in the international security system.

More recently, the AU has begun to flex its muscles as a recognised continental voice from which the international community takes its cue. On 12 April 2012, the AU condemned the capture by South Sudan of Heglig (also known in Juba as Panthou) in a region considered to be under northern Sudanese jurisdiction. On 17 April, the AU condemned and suspended the Guinea-Bissau military junta that had seized power just before the holding of a presidential election. Earlier, on 13 March, the AU had issued a severe reprimand while suspending Mali and the coup leader, Captain Amadou Sonogo, for seizing power from an elected government merely on account of differences of strategy on how to respond to the advancing Touareg rebels and Salafists from the North who had invested the towns of Gao, Timbuktu and Kidal. Much more significantly, the AU led the rejection of a new state by well-armed and fast moving rebels, now in charge of large parts of Mali, who had declared these areas as the new state of Azawad. In the case of Zimbabwe, following the disputed election in March and the

subsequent violent presidential run-off of June 2008, the AU Summit in Sharm El Sheik passed a resolution calling instead for a shared political authority in transitional government under the auspices of the sub-regional body SADC in a process that will yet again end up without a free and fair election.

In Madagascar, the worsening crisis during the first quarter of 2009 witnessed the sitting President, Marc Ravalomanana, forced into exile by the military and his main adversary, Andry Rajoelina – who then took power and established the High Transitional Authority, known as HAT under a French acronym. Faced with this development, the AU and SADC reacted, informed by the 1997 Harare Declaration that banned unconstitutional changes of government. The next steps and their impact have been unprecedented, and have demonstrated the effectiveness of the combination of an assertive sub-regional body, SADC, riding on the back of the well-established and legitimate AU leadership role of consolidating democracy on the continent. The impact has been illustrative.

It is also true that Madagascar is regarded to be within the 'sphere of influence' of SADC, with 98% of economic trade from South Africa and Mozambique transported through the Mozambique channel waters, and with – facetiously, against the background of French victory over South African foreign policy in the Ivory Coast crisis – greater resolve by the sub-region to impose itself on the crisis resolution in Madagascar.

The first step taken was to suspend Madagascar from both the AU and SADC membership but not abandon the fate of the ordinary people to the competitive political elites. Hence, in the same breath, both the AU and SADC declared ownership of the conflict management and resolution of the crisis, making themselves the final certifiers of the resolution through the SADC Road Map to which all the actors were invited to participate. Even as this was being announced, over 100 members, apparently chosen by Andry Rajoelina to sit on the HAT, were targeted with personal sanctions as was the country. The AU and SADC were able to convince the World Bank, the International Monetary Fund (IMF), the European Union (EU) and the US special African Growth and Opportunity Act (AGOA) Forum to summarily withdraw aid until the crisis was resolved. According to International Crisis Group (ICG) Africa Report 166 of November

2010 (ICG 2010), citing the Economic Intelligence Unit, Air Madagascar was banned from flying into the SADC and Africa, 40% of foreign direct investment was immediately lost, income from tourism was reduced by 50%, and 75% of potential investors were scared off from the Island by 2010 or within a year. The same Economic Intelligence Unit also provided evidence of an economic spiral downwards, with GDP in 2008 of 7% declining by 50% to 3.7% in 2009, 2% in 2010 and finally edging into the negative territory at 0.6% in 2011. The impact of sanctions on the overall economy has been dramatic. With severe shortages on the streets, in civil service ranks and even within the private sector, serious shortages of commodities and food stuff began to register, and government began to default and be unable to meet salaries and other basic commitments.

Late 2009 also witnessed the reach and effectiveness of the continental bodies in international diplomacy. Rajoelina, enjoying the tacit support of the French President, Nicolas Sarkozy, visited Paris and through this was able to secure recognition from Pakistan and Turkey for his government. In September, Rajoelina arrived in New York, to attend and address the General Assembly, but Angola, the country who was chairing SADC, successfully had Rajoelina removed from the UN roster, delivering a decisive and humiliating blow to attempts to break ranks with the stated positions on the continent. As we write, Madagascar's parliament has begun to adopt the SADC Road Map into the country's legislation while the leadership has been forced by an assertive and determined AU and SADC to re-consider the initial bravado and attempts to go it alone.

This research therefore seeks to make a critical evaluation of the AU's intervention efforts in dealing with blocked political-democratic transitions, with a view to making suggestions on where and how current efforts can be strengthened in order to enhance credibility in the eyes of ordinary Africans and the international community. This is distinct from examining current democratic reverses, such as in Madagascar, Mali and Guinea-Bissau, where the militaries have seized power and the AU has acted swiftly, suspended membership and forced actors to seek a constitutional way out.

Martin Rupiya

This paper, examining the AU's role and experience of intervention, is presented in chronological sequence, based on date order when the interventions occurred.

Over the last decade, through trial and error, the AU has developed a methodology and model for conflict resolution whose impact on each of the diverse case studies has been tested. The focus of this paper will therefore be on identifying the continuing challenges to the model – with the purpose of informing policy makers and perhaps also leading to the further fine tuning of the methodology. But what is the methodology that has evolved over the last decade, and that the AU – even without substantive authority from member states, but relying primarily on its acquired and accrued political legitimacy – is now applying in its intervention?

The AU's methodology in resolving conflict is characterised by the AU moving decisively to occupy and own the process, playing on its now established political legitimacy on the continent – suggesting to contending parties that they consider entering into a Government of National Unity (GNU); providing a framework of legal reforms including constitutional re-writing to appease historical and aspirational positions; undertaking legal reforms that may or may not result in reforming (discredited) institutions or creating new ones where they do not exist; undertaking free and fair elections, opening to UN and other interested players opportunities of observation, certification and verification; and finally, being involved in the actual transfer of power to entities that are then bestowed the AU's legitimacy.

In assessing the experience and contribution of the AU to conflict resolution on the continent over the last decade, only a selected group of countries, including Zimbabwe (2008), Ivory Coast (2011), Libya (2011) and Sudan, both North and South (2012), is used as examples in this brief case study on intervention. Because this is an article in a journal, which provides limited space for extended presentations, the discussion below is fairly abbreviated, and concentrates on the relationship between tools, impacts and outcomes as a basis to measure the experience and relevance of the AU's intervention in African conflict resolution. The hope is to provide a skeletal but common thread that runs through the case studies in order to draw lessons for contemporary and future actors.

Zimbabwe

The AU's intervention began in earnest with its deliberations during the 11th Ordinary Summit, held in Sharm El Sheik, Egypt, 30 June to 2 July 2008. That was after a disputed election in Zimbabwe on 29 March and a very violent presidential run-off on 27th June, which forced the competitor, Morgan Tsvangirai of the Movement for Democratic Change (MDC) into withdrawing so that President Mugabe then 'won with an 85%' result (Ploch 2009a:1–4; ZESN 2008:38, 49, 56–58). With observer teams from SADC, the SADC Parliamentary Forum, and the AU in the country, all condemning the violent election and submitting unanimous reports to the AU Summit, the body refused to recognise the violent presidential results.

However, the 2008 'harmonised elections' in Zimbabwe followed a protracted internal political crisis that had dimensions of external, particularly former colonial, power: Britain and other Western interests having sought to dislodge the former liberation movement and ruling party, ZANU (PF), and President Robert Mugabe. Hence, while condemning the documented state-sponsored violence that had defied the holding of a free and fair election, the discussion document in Sharm El Sheik reveals that the AU was alert to the intersecting domestic and international dimensions present in the political crisis in Zimbabwe (AU 2008:3).

The manner of intervention to resolve the crisis for the AU was firstly to seize ownership by simply making the issue an AU agenda item. This then crowded out any other players with different interests and capacities and signalled to the parties in conflict that the AU was the convener, arbiter and final source of legitimacy for any political institutions that were to function in Zimbabwe. Before the AU 'directly adopted' the resolution of the Zimbabwean crisis, attempts had been made to have the documented human rights violations become a United Nations Security Council item, a process that was halted by Russian and Chinese intervention in New York, arguing that the crisis did not amount to a threat to international security.

Secondly, the AU demonstrated that it would exercise its mandate through the sub-regional body, 'urging SADC to establish a mechanism on the ground in

order to seize the momentum for a negotiated solution'. Third, the AU was explicit in corralling both leading contenders to commit themselves to the process by 'encouraging Zimbabwean President Robert Mugabe and opposition leader Morgan Tsvangirai to honor their commitment to initiate dialogue with a view to promoting peace, stability, democracy and reconciliation' (Global Political Agreement 2008). Finally, the AU provided the framework of its methodology as the instrument to occupy the political vacuum during the transition. It 'also expressed support to the call for the creation of a government of national unity with a clear mandate on three critical areas: exercised shared political authority between the president and prime minister and in the process pacify extreme tendencies and views; provide the GNU with the task of drafting a new constitution and finally, undertake critical legal and institutional reforms before a free-and-fair election is held' (Global Political Agreement 2008).

The intervention by the AU in the political crisis that had gripped Zimbabwe in 2008 decisively removed any doubts amongst ordinary Zimbabweans. It was clear that, on the one hand, the country's political elite, who had sought to use violence and a partisan military to seize power, had been brought into the power-sharing transitional fold (Ploch 2009b), and that, on the other hand, the political opposition – perceived to enjoy Western support although appearing to be the aggrieved party in the stolen election – the SADC region and the international community had to provide the mechanism and road map to resolve the political impasse.

Based on the above, SADC, working through its appointed facilitator, the South African President, reporting to the Troika on Politics, Defence and Security as well as Summits, has since been seized with attempts to compel reluctant political actors who signed the GPA to fully implement its provisions before free and fair elections are hosted. At the time of writing, the initial two-year transitional period that began in February 2009 has stretched to more than 36 months, but the basic formula as defined by the AU is still being followed although not yet complete.

Without passing judgement on a conflict whose defined road map has still not been completed, it is clear that in the case of the 2008 Zimbabwe crisis,

the AU's decisive action and recognised and respected methodology have been able to stabilise the situation, pacifying restive international and domestic actors who were losing confidence in Zimbabwe's democracy and the rule of law. The intervention has also given the sub-region, SADC, sufficient muscle to act in a context that would have been almost impossible to engage as parties have, without success, tried to use the sovereignty cover to shut out participation by other member states. This was the case when President Robert Mugabe addressed the 88th Congress of ZANU (PF)'s Central Committee meeting during which he tried to re-interpret the AU resolution and the facilitator's mandate on 31 March 2012. All this has been overcome, simply by the position adopted by the AU in its wide-ranging resolution on Zimbabwe.

Ivory Coast

Against a background of a protracted conflict between President Laurent Gbagbo and his northern adversary, Allasane Ouattara, each complete with a pliant armed group who had refused to demobilise, the election of 28 November 2010 was now subject to certification by the UN. When a dispute arose, the UN, supported by the sub-regional body, ECOWAS, certified that Ouattara had won the election and should take over the presidency. The AU supported this position. Member states were however, divided, with Angola, Chad, Uganda, the Democratic Republic of the Congo, Gambia, Equatorial Guinea and South Africa deviating from the AU-ECOWAS position and siding with Gbagbo or at least a negotiated power-sharing agreement. Meanwhile, the regional hegemon, Nigeria, adopted a militant position, and prepared to deploy military forces to remove Laurent Gbagbo from office. This approach was supported by UNSC Resolution 1975 and by France, a country that already had forces in the country following earlier UN Peacekeeping Missions' arrangements.

Faced with intransigence from Gbagbo, a military solution eventually became a reality with Ouattara's forces marching from the North, supported by French air cover and limited ground forces, resulting in the routing of Laurent's forces and his humiliating capture (Zounmenou 2011). Ouattara was then installed as the new President.

However, this was unlikely to be a panacea. Both Ouattara and Gbagbo had become so identified with the factional nature of the crisis and the institutions and regional support they drew that neither could be seen as able and capable to wield the country back into stability. What many have argued for is a transitional authority and period of reconciliation that might allow deep-seated sentiments to emerge rather than the rough and ready military victory that we witnessed, bringing Ouattara to power, complete with a French contingent guarding him all the time. The AU may seek to continue to maintain a close watch on that country, as this research has shown a number of pointers towards the resumption of conflict. First, the Ivory Coast's protracted conflict had left the country divided between north and south on economic lines, based on a perception of foreigners who had appropriated the best lands and are now central to the cocoa production. The country was and continues to be split on religious lines, with the North seen as Islamic and the South as Christian – a phenomenon that is also present, at least in the perception of neighbouring states' support. To this end, support for Ouattara by the Christian Nigerian President, Goodluck Jonathan, was seen as coming at a time when the latter was desperate to placate and muster the Moslem vote in order to retain his stay in office.

The preliminary evaluation of Ouattara's rule is that the country has refused to be pacified and conflict drivers are not far from the surface. If these are not attended to soon, Ivory Coast is likely to go into convulsion within the next five years.

Libya

As we have tried to show, when what is now called the Western consensus became the driving force behind economic structural adjustment and nuanced democratisation in Latin America and Sub-Saharan Africa during the 1990s, the oil-producing Arab states in North Africa, under decades of monarchical rule by families and militaries, remained largely untouched. An international conspiracy had fashioned different roles for different regions. However, when in December 2010, a destitute student in Tunisia, Aziz Bouziz, set himself on fire in frustration after being spat on by a police officer, his action set the region ablaze. By 2011, Libya was gripped in the wave of the Arab Uprising that

began in Tunisia, toppled the Mubarak regime in Cairo, Egypt, in 18 days, and later influenced dissent in Benghazi against the 42 year-old rule by Colonel Muammar Muhammad Abu Minyar al-Gaddafi. Witnessing the riots on the streets, Gaddafi responded by calling for a 'house-to-house search in order to vanquish the rats'. The call was a prelude to launching a vicious military attack on the population in a development that soon forced the world to consider action in protecting civilians. However, it was the competing regional block, the Arab League, that first took the decision to act against Gaddafi in support of the civilians, which formed the basis of the UNSC resolutions 1970 and 1973 on Libya (International Coalition for the Responsibility to Protect 2011). The latter, UNSC resolution 1973, which authorised 'all measures necessary, offered protection of civilians, an oil embargo as well as imposition of a no-fly zone,' was supported by South Africa (Adebajo and Paterson 2011:29;[1] Kornegay 2011). A coalition of the willing was invited to come together and confront the Libyan armed forces and impose the will of the UN in assistance with the opposition, organised as the National Transitional Council (NTC). However, as it later turned out, the North Atlantic Treaty Organisation (NATO), particularly Britain and France, used Resolution 1973 as licence for open regime change. Because of this, participation by the AU was subject to seeking permission to enter the region and Libya from NATO, leading the military operation. The AU publicly condemned the 'one sided interpretation of the Libyan resolution' passed by the UNSC, including South Africa, a non-veto power that had participated in the passing of Resolution 1973 and the obvious 'marginalisation of the AU in the management of the Libyan conflict' (Rizvi 2011). In spite of the obvious limitations, the AU, between 10 and 25 May, passed decisions on the Peaceful Resolution of the Libyan Crisis in a meeting in Addis Ababa and established the High Level Ad Hoc Committee on Libya with the mandate to establish a Road Map (AU 2011: paras. 3, 8). These efforts were later followed up with a special summit on 30 June 2011 in Malabo, Guinea-Bissau, when a Draft Road Map, Ceasefire, Transitional Government and Elections strategy was suggested as constituting the 'African solution' to the Libyan crisis. The Foreign Minister

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1   See sections 'West Africa: Côte d'Ivoire' (pp.19–21), 'The Horn of Africa: Somalia, Darfur and South Sudan' (pp. 25–28), and 'North Africa: Libya and the "Arab Spring"' (pp. 29–32).

attending the Malabo summit rejected the offer, however, and by 1 July, credible reports emerged of Gaddafi's role in blocking movement on the AU resolutions (Voice of America 2011).[2] Meanwhile, the NTC was also being supported by the International Criminal Court (ICC), which now sought the arrest of Gaddafi, his son, Saif al-Islam Gaddafi, and the Intelligence Chief for crimes against humanity and wilful killing of civilians. Secondly, even where the AU hosted an important meeting on Libya in Guinea-Bissau (under the Chairpersonship of the Guinea-Bissau President), Col Gaddafi and his ministers refused to adopt the AU position and methodology as outlined. Over the next seven months, a bitter civil war was prosecuted, ending in August 2011 with the defeat and public assassination of Gaddafi. Again the AU demonstrated lack of policy cohesion when the incoming NTC was recognised by 17 African member states – significantly including Nigeria and Ethiopia, the seat of the AU – at a time when the continental body was still to move from non-recognition of unelected and unconstitutional changes of regimes. Confronted with the popular changes of power in the Arab Uprising states, this AU protocol now appears archaic and highly conservative and must be urgently reviewed.[3]

The Libyan experience, in which the AU was first shielded from undertaking a much more neutral role by the Arab League and the UNSC, demonstrates the challenges faced by the continental body in its attempts to be relevant within a highly competitive international security framework.

However, this type of international double standard, characterised by actors in pursuing hidden and undeclared agendas in their participation in African conflicts, should inspire the continental body to try to quickly insulate external interests and influence once a conflict breaks. Secondly, the rule by Gaddafi for over 42 years and the collusion of the oil-consuming countries in allowing long periods of dictatorial misrule of societies in the Arab oil-producing states, including those in North Africa, are also to be condemned. Third, Gaddafi and his senior ministers ignored the AU intervention, making it impossible for the continental body to remain relevant in the crisis. As a result of its lack of leverage

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2   See also reports by the same broadcaster, 11 April: Gadhafi accepts AU Road Map.

3   Cf. Tostevin 2011.

with Gaddafi and his regime, the AU and its recommendations were simply brushed aside as NATO and leading powers in the UNSC created the solution via the NTC that, even as we write, has not brought complete peace and unity in Libya. Furthermore, it is also true that the sharp racial and ethnic divide between North Africa and Sub-Saharan Africa, artificial as it seems, was emphasised and reinforced by the Libyan crisis.

> The African Union, just as the Arab league, was in support of the UN Security Council Resolutions 1970 and 1973 … the UN Security Council, did not expressly detail the mode of operation of Resolution 1973. NATO's interpretation of protection of civilians also includes bombing of Gaddafi's military depots and communication infrastructure; while France resorts to arming the insurgents who have decided to fight all the way to Tripoli … . A number of countries that initially supported the resolution, including South Africa, took issue with this, insisting that it was outside the parameters of the Resolution, and effectively constituted facilitating a regime change in Libya (Reuters News Agency 2011).

Next, even as the AU tried to present a united front, when faced, after 7 months of fighting, with the question of recognition of the NATO-inspired NTC, 17 African countries, including Ethiopia and Nigeria, broke ranks with the AU position and recognised the new government – closing the sorry AU chapter of participation in the Libyan crisis. Finally, the question of the ICC operations on the continent and the response by the AU have become mired in controversy, acrimony and recriminations. In the case of the Sudanese leader, Al Bashir, the AU has passed a resolution calling on African member states to ignore the call by the ICC to arrest him. In the case of Libya, the AU's reconciliation-seeking methodology and intervention also came up against the ICC calls and international arrest warrants on Gaddafi, his son Saif and his Intelligence Chief. This further undermined the AU and resulted in the hardening of positions by those targeted. The same quandary now appears to face the NTC in power in Tripoli, as they are uncertain on whether or not they can be viewed as lacking sovereignty and as unpatriotic Western lackeys if they allow Saif to be tried by the ICC and not by Libyan courts.

Sudan

The increasingly assertive AU has begun to flex its muscles in its latest intervention in the Sudanese conflict between Khartoum and Juba after the Comprehensive Peace Agreement (CPA) of 2005 eventually resulted in the creation of a new state of South Sudan on 9 July 2011. Months into the establishment of the two-states solution, fighting has erupted yet again following the occupation of the disputed Heglig oil-producing town located on the border with the two. Heglig produces about 75% of Sudan's oil at the moment, quantities that represent over 98% of state revenues. Threatened with the disintegration of the new state and outbreak of yet again protracted war in the Sudan, the AU launched itself into the matter, positioning itself above the two states.

Clear on how the parties are known for their reluctance to engage in negotiating talks unless coerced and compelled, the first shots that were fired by the AU was through issuing an ultimatum, compelling both states to reach a negotiated agreement within three months from 25 April 2012. Continued fighting in the Sudan has caused the AU and other international bodies to step in and be responsible for huge humanitarian concerns while the political elite and militaries continued to fight. Next, in a demonstration of 'ownership' of the resolution of the crisis, the AU submitted its 7 Point Plan for adoption by the UNSC, specifically and significantly securing the endorsement of the USA and China, under Article 41 of the UN Chapter 7, which will allow the UN to impose sanctions if the deadline is not respected. The UNSC has since voted in favour of the AU Road Map and time lines, compelling the two parties to stop fighting and return to the negotiating table within the stipulated time if they are to avoid automatic sanctions (Chicago Tribune 2012).

Significantly, at the height of the conflict, the South Sudanese leader, President Salvir Kirr, undertook an official visit to Beijing, China, a country that is already working very closely with President Al Bashir in North Sudan. During the visit, Kirr has been able to secure a US$ 8 billion loan to build hydro-electric dams, roads, hospitals in most of the provinces and 5 universities, and to fund other development programmes. This demonstrates the extent of the involvement and leverage of the Chinese in the South Sudanese economy and political decision

making. Recovery of the loans is obviously based on expected oil revenue in the future (Sudan Tribune 2012). The history of the US as part of the key players that propelled the adoption and implementation of the CPA of 2005 has been well documented. Moving in a fast-forward mode to April–May 2012, the AU's strategic positioning on the resolution of the crisis in Sudan becomes apparent. Addis has taken effective steps to own the process and remain the sole arbiter and has appropriated to itself the certification of when and how the crisis is ended.

The 7 Point Plan conforms, almost to the letter, to the model and methodology that have been cited and are now becoming typical of the AU approach: a holding ceasefire, a negotiated settlement, a transitional period during which a Road Map is agreed upon – in this case led by the AU High-Level Implementation Panel (AUHIP) chaired by South African former President Thabo Mbeki.

This is creative and innovative, leveraging the highest international security system body to publicly endorse while subordinating itself to the primacy of the African solutions crafted in Addis Ababa – that has a moral and political legitimacy superior to that of two sovereign member states. This is unprecedented and must be recognised for its innovation. Furthermore, there is a history of international interests and super-power involvement in the Sudanese conflict as a result of race, ethnicity, regionalism, commercial oil interests and geo-political consideration – as conceived from the perspectives of the Arab League and the AU.

There has been surprising reaction to the action by the AU. South Sudan is calling for their crisis to be resolved through IGAD and not through the 'seemingly biased AU', as revealed in an address by Pagan Amum, Secretary-General of the SPLA/SPLM, at Chatham House in London, on 1 May 2012. Meanwhile, Khartoum has rejected this preference to submit the issue to IGAD while still being reluctant to follow the AU route. In their opinion, IGAD, where Uganda is a member, includes countries that have openly sided with South Sudan and are prepared to do more with South Sudan in continuing the war mongering.

Meanwhile, IGAD itself is wracked with internal and regional conflict. While North and South Sudan are engaged in heightened conflict and war, Ethiopia

and Eritrea are in the same category, which rules out four members of a seven-member organisation from attending normal sittings while they concentrate on internal security situations. Of the other IGAD members (Djibouti, Kenya, Somalia and Uganda), Somalia is a collapsed state, the only one on the continent. It should be added, however, that a recent Somali Conference hosted in London (March 2012) has sought to act as a precursor to the revival of a new state. Uganda, Ethiopia, Rwanda, and, more recently, Kenya have deployed troops in Somalia in an attempt to root out the al-Shabaab, a previous youth wing of the Islamic Courts Union (ICU) that was dismantled by military action about half a decade ago. Such a sub-regional body is obviously not organised to offer mediation and negotiation services to the war situation that has emerged in the Sudan.

Analysis – Is the methodology working?

Over ten years, the AU Peace and Security Council has emerged as a decisive international and continental player. It has employed a methodology that has developed through trial and error, a mechanism that has been challenged not only by the UNSC (Resolution 1973) but even by member states on the continent. In this way the AU has managed to wield its accrued political legitimacy and authority, on behalf of ordinary Africans, to enforce stability, the rule of law and relative economic activity in cases of extreme political collapse and fragility. In Libya, the mechanism was unable to work as outside interests preferred to work with the Arab League while marginalising and excluding the AU from being part of the conflict management and resolution matrix. Today, challenges of political stability in Libya, Egypt and their over-flow into Mali, Niger, Mauritania, Chad and even Sudan have been left in the lap of the AU to react to. Meanwhile, the unprecedented but direct challenge to the Sudanese states in Juba and Khartoum has shown a confidence amongst officials at the AU that is refreshing. Not only has the AU ring-fenced the resolution of that conflict within the 'African Solutions' genre, but this also comes at a critical time for the organisation's leadership. The AU Commissioner, Dr Jean Ping, is in the throes of fighting for his tenure of office, challenged by South African Dr Nkosazana Dlamini-Zuma, representing SADC who have expressed a desire to

lead the continental organisation for the first time. In the January Summit in Addis Ababa, the voting for the Commissioner's post was inconclusive and this has now been set aside – after a series of inconclusive meetings in Benin and elsewhere – for resolution at the June Summit in Lilongwe, Malawi. Certainly the working relationship between the Commissioner and the Commissioner, Peace and Security, Ambassador Ramtane Lamamra, has provided clarity and integrity that has won the respect of allies and foes in the international security system. The threat remains at home, around the potential negative reaction by political elites in charge of the different member states on the continent.

The point is therefore this, the AU officials adopted a high profile and challenged member states politically at a time when the latter may decide to water down and reduce the officials to mere spectators in the ensuing power struggle. Africa and the AU Peace and Security agenda stand at the cross-roads. This is a reality that would take conflict resolution on the continent back to the period before the 1997 adoption of the Harare Declaration on unconstitutional changes of government. It is also true that Africa still has potential conflict states, where long-serving leaders have to create adequate safeguards through credible institutions before undertaking free and fair elections to usher in democratic governments. Without this in place, the AU has to continue to be on standby as we have recommended in the Ivory Coast case study. But who are some of the states likely to implode if care is not taken to cajole the leaders to undertake rapid and long-term transformation in order for the continent to overcome the hiccups of 1989 and join the Fourth Wave of Democratisation when it comes? In the context of this research and the type of methodology and mechanism for conflict resolution reviewed, the fragile democracies in Ethiopia, Uganda, Rwanda, Central African Republic, Chad and Togo may be considered as countries that require active encouragement to build credible institutions now and in the future in order to avoid falling into the collapsed state situation as we have noted in Somalia.

Conclusions

In 1989, 47 Sub-Saharan states attempted to democratise, according to the much discredited Washington Consensus, and within five years, 42 had failed.

In January 2011, the rest of the continent was spurred by the Arab Uprisings in North Africa. Today, Morocco, Libya and Egypt are still mired in deep crises, inviting more internal instability that has the capacity to undermine sub-regional and even continental stability. Africa is faced with the challenge to transform from one-party-state to full democratisation, even though this has been stifled by external and local political elites since decolonisation in the 60s. Now the AU has been established, and has in the last ten years built and refined a working methodology for those states failing to make the grade and exposing their peoples to machinations and skewed interventions by external forces. This is crafted on:

- working through its sub-regional pillars of economic and security structures in Southern (SADC), Central (ECCAS), West (ECOWAS) and East Africa (IGAD), but with no meaningful representation in North Africa;

- imposing or compelling a ceasefire;

- adopting the primary role as the conflict management and resolution body;

- calling parties to agree to shared political authority during a defined transitional period;

- allowing legal and legislative changes; and

- bringing about institutional reforms, including drawing up new constitutions, before going for free and fair elections the results of which have to be officially certified by the AU.

In practice however, the implementation of the AU methodology and mechanism has gone further. In the case of the recent return of conflict in the Sudan, the AU – through its Peace and Security department – has compelled the two states to reach an agreement within 90 days or face continental and international sanctions. This unprecedented action by Addis Ababa has shocked the member states and compelled not only the UNSC but also furtive global powers, waiting in the wings as spoilers or tacit supporters of a particular side in the conflict, to toe the line and fall behind the AU position. To this end, the AU has secured a unanimous UNSC Resolution on the Sudan. In Libya, bereft of a sub-regional partner and with the international community working through an Arab League

resolution, the AU became marginalised and excluded and was unable to impose itself as part of the conflict management players. Meanwhile, in Madagascar, working with an assertive sub-regional player, SADC, the AU 'owns' the process. It was able to fend off the 'recognition' by France, and even Turkey and Pakistan, of the faction of Andry Rajoelina, before humiliating the same in New York, during the September 2009 General Assembly Session when he tried to take the podium. This was denied at the last minute following the robust intervention of Angola on behalf of the SADC-AU Road Map. Within Madagascar, sanctions on the 100 members of HAT and Rajoelina and the obvious economic slump have forced parliament, the private sector and the now desperate civil servants to abandon their reluctance and begin implementing the SADC-AU Road Map to democracy. In Madagascar, the combination of the AU methodology and an equally assertive sub-regional body, SADC, looks like it is going to get the parties to the fountain of reconciliation, adopt the norms and standards of democratisation and achieve a long-term and permanent peace.

A major achievement for the AU has also been the rejection of the Malian rebels – the Touaregs and Salafists, coming from Libya, well armed beyond the capacity of the local forces – who had captured and invested almost 80% of the country and declared large swathes independent and now part of the new state of Azawad. While the government was fighting off a military coup in Bamako, it was only the AU's explicit and immediate rejection of the balkanisation of Mali that stopped a number of countries and actors in the shadows that were on the verge of recognising the fast moving rebel movement. This has not been confronted by the local, disintegrating army to date. However, the point has remained valid, and the AU's call has been honoured, forcing the militarily strong Touaregs to consider entering into a dialogue. This represents the epitome and triumph of the AU intervention in African conflict resolution.

However, while the AU has fashioned an instrument that has international credibility and integrity, the danger is that this is led by officials who may or may not be around or at the helm for long. For example, the AU Commissioner, Dr Jean Ping, has had his ability to function seriously curtailed when he failed to win re-election during the January Summit when challenged by South African Dr. Nkosazana Dlamini-Zuma, a candidate put forward by SADC, a region

seeking to occupy the top seat for the first time. Hence, the good work of the Peace and Security Commissioner, Ambassador Ramtane Lamamra, is threatened by the organisational hierarchical changes. Apart from this paper raising awareness of the developing and evolving trends, it also has provided a sense of which countries may or may not be part of the Fourth Wave of Democratisation, given the absence of predictable and sustainable democratic institutions in a number of African countries that must be now on the watch-list of those interested in the larger stabilisation of the African democratic agenda.

Sources

Adebajo, Adekeye and Mark Paterson eds. 2011. *South Africa, Africa, and the United Nations Security Council*. Policy Advisory Group Seminar held at Erinvale Estate, Western Cape, South Africa, on 13–14 December 2011, hosted by the Centre for Conflict Resolution. Seminar Report No. 38. Available from: <http://www.ccr.org.za/index.php?option=com_content&view=article&id=218&Itemid=98>

African Union 2008. Africa: AU Summit Resolution on Zimbabwe. African Union Assembly meeting, 11th Ordinary Session, Sharm El Sheikh, Egypt, 30 June to 1 July 2008. Available from: <http://www.africa-union.org/au/conferences/2008/june/summit/dec/ASSEMBLY.pdf>

African Union 2011. Extraordinary Session of the Assembly of the Union on the State of Peace and Security in Africa. Addis Ababa, Ethiopia, 23 May 2011. Extra-Ordinary/Assembly/AU/Dec/01.2011.

Bassett, Thomas J. and Scott Straus 2011. Defending democracy in Côte d'Ivoire. *Foreign Affairs*, 90 (4).

British Broadcasting Corporation (BBC) 2012. Causes and events of the Cold War. Available from: <www.bbc.co.uk/history/worldwars/coldwar/> [Accessed 20 June 2012].

Chicago Tribune 2012. Juba and Khartoum: Addis best place to debate issue. *Chicago Tribune*, 4 May. Available from: <www.chicagotribune.com/news>

Global Political Agreement (GPA) 2008. Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) formations, on resolving the challenges facing Zimbabwe. Harare, 15 September 2008.

Huntington, Samuel P. 1992. *The third wave: Democratisation in the late twentieth century*. Oklahoma, University of Oklahoma Press.

International Coalition for the Responsibility to Protect 2011. Accounting for the African Union (AU) Response to Libya: A Missed Opportunity? 13 September: NTC rejects AU Road Map as 'out-dated'.

International Crisis Group 2010. *Madagascar: Crisis heating up?* Africa Report No. 166, 18 November.

Kornegay, Francis 2011. Libya: South Africa's foreign policy has seen better days. *Mail & Guardian*, 7 September.

London, Scott 1993. *Book Review* on Samuel P. Huntington *The third wave: Democratisation in the late twentieth century*. Available from: <www.scottlondon.com/reviews/huntington.html> [Accessed 10 March 2011].

Ploch, Lauren 2009a. Zimbabwe 2008 elections and implications for US policy. Congressional Research Service (CRS), February 2009.

Ploch, Lauren 2009b. *Zimbabwe: The power sharing agreement and implications for U.S. policy*. CRS Report RL34509, October 2009.

Reuters News Agency 2011. Latest developments in the Libyan conflict. 13 August 2011. Available from: <www.reuters.com/.../2011/.../us-libya-nato-idUSTRE77F4WS201108> [Accessed 20 June 2012].

Rizvi, Haider 2011. AU and one sided interpretation of UN Resolution 1973. *Inter-Press Service*, 15 June.

Rodrik, Dani 2006. *Goodbye Washington consensus, hello Washington confusion?* Cambridge, MA, Harvard University Press.

Sudan Tribune 2012. Sudanese oil interest bow to China. *Sudan Tribune*, Khartoum, 4 May 2012.

Tostevin, Matthew 2011. Has the African Union got Libya wrong? Reuters News Agency, 31 August. Available from: <http://blogs.reuters.com/africanews/2011/08/31/has-the-african-union-got-libya-wrong/> [Accessed 31 March 2012].

Voice of America 2011. Gadhafi's role blocking the AU Resolution on Libya 1 July. Voice of America. Available from: <www.voanews.com> [Accessed 20 June 2012].

Williamson, John 1989. What Washington means by policy reform. In: Williamson, John ed. *Latin American readjustment: How much has happened*. Institute for International Economics. Washington, Harvard University Press

Zimbabwe Election Support Network (ZESN) 2008. Report on the Zimbabwe 29 March harmonised election and 27 June 2008 presidential run-off.

Zounmenou, David 2011. Long road ahead for Côte d'Ivoire recovery after decade of misrule. *African Energy*, 207.