



No, Mr President

Mediation and military intervention in the African Union

Multilateral systems to support peace and democracy have evolved faster in Africa than in other regions. In the past decade, diplomatic and military intervention in Africa has become more frequent and more assertive than in Latin America, Asia or the Middle East. Africa's inter-governmental organisations, led by the African Union, have shown greater readiness to avert conflict and political repression than their predecessors during the post-independence era. These notes argue that improvements in collective security since 2002 merit greater confidence from donors and diplomats.

- Regional responses defend democracy, support democratisation.
- Six military interventions by African troops since the launch of the AU in 2002.
- Tolerance of incumbents, but penalties for 'unconstitutional changes of government'.
- Lenient approach to reinstatement of AU membership after *coups d'état* in Togo and Mauritania.
- Mediation effective in Guinea, stalled in Madagascar.
- Record on peace and stability warrants greater international support for AU.

Re-inventing a continent

The African Union, which replaced the Organisation of African Unity, represents a second generation of multilateralism. From inception, it has dispensed with the OAU's guiding principle of non-intervention in the domestic affairs of member states. In 2003, the AU Peace and Security Council was mandated to establish a collective system of pan-African security. The AU has designated 2010 as its 'Year of Peace and Security'.

The international community has a strong interest in the promotion of democracy, peace and security in Africa. The OAU was preoccupied with independence struggles and the anti-apartheid campaign – although under its penultimate secretary-general Salim Ahmed Salim, supported by democratic South Africa in the late 1990s, it made efforts to foster constitutional systems and the rule of law. The founding charter of the AU aspires to a wider remit, from greater political and economic integration within Africa to the defence of African interests abroad.

Fewer than half of African states are electoral democracies, a tally which has declined since 2005. The Peace and Security Council has consistently opposed transfers of political power by *coups d'état*, yet tolerance of incumbent autocrats often has provoked scepticism among critics of the AU. In 2009, the chairmanship was held by Libyan President Muammar Qaddafi – a military dictator in power since 1969. The position of AU chairman rotates annually by region, but its influence on regional security is largely symbolic.

Among Africa's eight regional economic communities, the Southern African Development Community (SADC) and the

Economic Community of West African States (ECOWAS) have assumed prominent roles in continental diplomacy. West Africa has experienced more coups since 2005 than any other African region, prompting resolute action from ECOWAS. In each instance, membership of ECOWAS has been swiftly suspended and personal sanctions imposed on coup leaders who refuse to commit to elections. ECOWAS has sent peacekeepers to member states on five occasions.

"Whatever the situation, whether it is an ongoing coup or a successful coup, AU will not tolerate it."

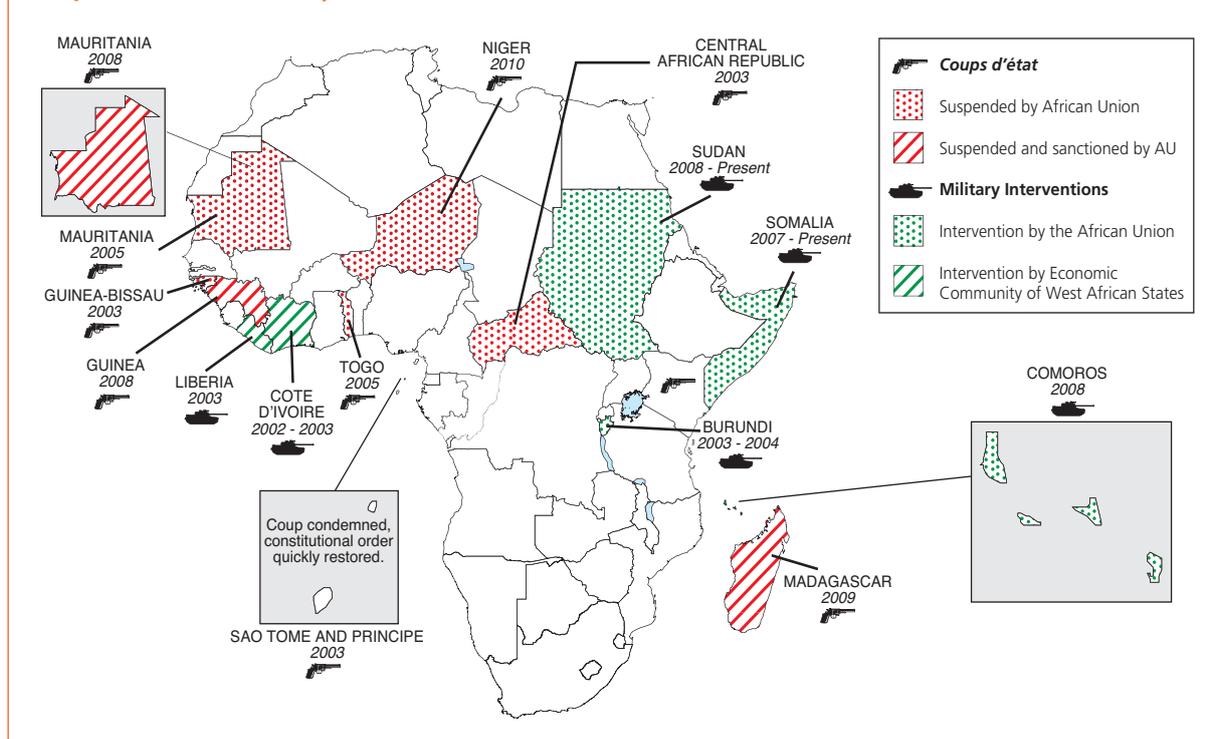
– Ramtane Lamamra,
AU Commissioner for Peace and Security¹

Forcing the peace

The AU has begun to administer complex, costly and dangerous peacekeeping operations – formerly the preserve of the United Nations. The fifteen-member Peace and Security Council, loosely modelled on the UN Security Council, was conceived as a response to the frequency of conflicts in Africa and international failure to prevent the Rwandan genocide in 1994. Its role as a stabilising presence in conflict zones depends on close cooperation with regional bodies and the UN.

Military intervention is the most visible evidence of Africa's growing security capacity. The first AU peacekeeping mission was deployed in Burundi in April 2003, to maintain the

Coups and African military interventions, since 2002



ceasefire after a decade of civil war. An AU force comprising about 3,000 troops from South Africa, Mozambique and Ethiopia was given a one-year renewable mandate to stabilise the country pending a UN mission. In the absence of firm commitments from other countries, almost the entire cost was paid by South Africa. The mission restored order, paving the way for the arrival of UN peacekeepers in mid-2004.

Conflict in Darfur prompted the first collaboration between UN and AU military commands. In January 2008, an AU observer mission deployed since 2004 was merged with the UN mission in Sudan to create a hybrid force, the UN-AU African Mission in Darfur (UNAMID). The Sudanese government in Khartoum tolerated international peacekeeping in Darfur on condition that it included African troops under AU command. With very limited funding, UNAMID established security for civilians and humanitarian assistance. Its logistical support enabled an inclusive political process ahead of Sudanese elections in April 2010.

Somalia has exposed the limits of the new mechanisms. In 2007, the AU Mission in Somalia (AMISOM) was charged with supporting the work of transitional federal institutions to restore peace. But the government in Mogadishu remains chronically weak. AMISOM has become a target for Islamist militias, while peacekeeping troops have been accused of launching retaliatory attacks. The force, made up of troops from Burundi and Uganda, has operated at less than two-thirds of its authorised capacity of 8,000 soldiers.²

Rules of engagement

African intergovernmental organisations have developed legal frameworks to govern intervention in conflict. ECOWAS has been the pre-eminent example. In 1998, its member states adopted a binding 'Framework for the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security'. Bolstered by protocols on conflict and democracy, ECOWAS has substantial powers to intervene in

humanitarian disasters, threats to peace, and the attempted or successful overthrow of democratic governments. Outside Africa, no regional organisation in the world has agreed a comparable framework for military intervention to counter instability in member states.³

The role of ECOWAS in ending conflicts in Côte d'Ivoire and Liberia has relied on a combination of political and military intervention to establish and monitor peace agreements. After the outbreak of civil war in Côte d'Ivoire in 2002, an ECOWAS force was deployed to protect the government of President Laurent Gbagbo. More troops were sent in 2003 to enforce agreements on peace and demobilisation brokered by France and ECOWAS. The force was incorporated into a new UN mission from the end of 2003. The cessation of hostilities was declared in 2005, as part of a peace accord mediated by Thabo Mbeki, then South African president.

The authority of the AU to employ force has expanded, within the terms of its Constitutive Act. The right to intervene has been strengthened by further protocols on the right to prevent war crimes and crimes against humanity, and to 'safeguard legitimate order'. SADC has adopted comparable codes to govern military intervention in member states, although its leaders have shown less resolve than either the AU or ECOWAS in exercising the right to intervene.

Inside, outside

The Constitutive Act of the AU condemns 'unconstitutional changes of government'. Since 2002, Africa has witnessed nine coups. All were met with immediate condemnation from the AU, and the membership of each state was suspended. While preserving the principle of the Act, the sequence of actions by the AU in each case has been guided by pragmatism – as determined by its leaders and officials.

Perpetrators of coups who do not subsequently hold democratic elections are targeted with personal sanctions. Travel bans, arms embargos, and asset freezes have been

imposed on coup leaders in Guinea, Madagascar and Mauritania. More generally, African leaders have tended to support and, on occasion, to seek international sanctions. Such appeals have recognised the limited impact of isolated actions on elites who hold substantial assets outside Africa.

The AU has proved more lenient in deciding when to reinstate membership of suspended states. Togo was allowed to rejoin the AU after a coup in 2005, although elections did not meet international standards. Faure Gnassingbe, preferred candidate of the Togolese military and scion of a family in power for four decades, won an election which was not declared free and fair by international observers. In Mauritania, junta leader General Mohamed Ould Abdoulaziz was elected president in 2009. In spite of efforts to deter coup leaders from standing as candidates, Mauritania was re-admitted to the AU.

The principles of the AU charter were tested in Niger in 2009-10, when an elected civilian leader flouted the constitution and was subsequently ousted by a coup. President Mamadou Tanja had overseen a decade of relative stability, but attempted to extend his tenure and increase presidential prerogatives. Constitutional term limits were abolished, elections deferred, and parliament dissolved. ECOWAS suspended Niger in October 2009, while the AU called for the constitution to be upheld. A military coup in February 2010 toppled Tanja, obliging the AU to suspend Niger's membership – in spite of some sympathy for the actions of army leaders among the president's critics.

In contrast to its reaction to coups, the response of the AU to constitutional violations by incumbent leaders has been tentative. Since 2002, presidential term limits have been abolished in 11 countries. In Senegal, President Abdoulaye Wade has eroded the powers of state institutions, prompting accusations that he is plotting the succession of his son, Karim Wade. Evidence of electoral fraud and intimidation has implicated presidents in Gabon, Kenya, Nigeria, Sudan, Togo and Zimbabwe – but none has been suspended.

To codify a common definition of democracy, the 'African Charter on Democracy, Elections and Governance' adopted in 2007 requires fifteen signatories from AU member states. By February 2010, only three states – Ethiopia, Mauritania and Sierra Leone – had incorporated the charter into national law. The AU Assembly of heads of state urged members to ratify the charter, while approving tougher measures against coup leaders, their allies and any states which support them.

Speech therapy

African mediation in African crises has become the norm. Since 2002, delegations mandated by intergovernmental bodies have intervened in every significant conflict, political dispute or incident of civil unrest – often in the form of high-level 'panels' or 'troikas'. Mediation monitored by the AU Peace and Security Council has been most effective when the AU has found common cause with regional groupings and international agencies to press for a clear outcome.

In Guinea, a military takeover in December 2008 demonstrated the role of both ECOWAS and the AU in fostering democracy. Both groups suspended Guinea after a junta seized power on the death of authoritarian president

General Lansana Conté. After the massacre of at least 150 supporters at an opposition rally in September 2009, ECOWAS took charge of talks between soldiers and pro-democracy groups. Under pressure from the AU and international agencies, the junta ceded power to a transitional government in January 2010. Jean-Marie Dore, a long-time opposition leader, was appointed prime minister.

Shades of justice The International Criminal Court

African support for the International Criminal Court has been unsettled by perceptions of racial and regional bias. All 13 indictments pursued by the ICC since its creation in 2002 have been against Africans. Separately, national courts in Europe – notably in France, Belgium and Spain – have invoked the principle of universal jurisdiction to pursue cases against African nationals for crimes committed in Africa.

Allegations of prejudice in prosecutions by the ICC and in national courts in Europe must be considered in context. Prosecutors have instituted proceedings in national courts against citizens of Asia, Eastern Europe, Latin America, Middle East and the United States. A majority of prosecutions by the ICC follow referrals from African governments. An ICC investigation into four Sudanese nationals suspected of war crimes and crimes against humanity is an exception, following referrals from the UN.

President Omar al Bashir of Sudan is the highest profile target of an indictment by the ICC. A warrant for his arrest, issued in 2008, provoked anger and criticism from some African leaders – including keen proponents of multilateralism within the AU. In the wake of the indictment, the governments of Senegal, Djibouti and the Comoros called for all African states to withdraw from the Rome Statute, the founding treaty of the ICC. An official request from the AU to the UN Security Council to postpone the ICC's warrant of arrest for Bashir was ignored.

According to the AU, the timing of the prosecution of Bashir jeopardised peace talks and the process of democratisation in Sudan. "The need for justice should not override the need for peace", said Jean Ping, chairman of the AU Commission.⁴ The AU High Level Panel on Darfur endorsed prosecutions but called for more local involvement in the process. African governments have been among the keenest advocates of an international court, and more enthusiastic supporters of the ICC than other regions.

The Rome Statute obliges all signatories to implement a warrant issued by the ICC. Of 100 countries which ratified the Rome Statute, 30 are African. Only eight are Asian. The United States, initially a reluctant signatory, 'unsigned' the treaty in 2002. Among opponents of the indictment of Bashir, the South African government criticised the timing but remains bound by the Rome Statute: "If today President Bashir landed in South Africa, he would have to be arrested," said Ayanda Ntsaluba, director-general of international cooperation in Pretoria.⁵



In Madagascar, both SADC and the AU have attempted to reconcile intractable factions. A plan to restore democracy, brokered by the AU in Maputo in August 2009, failed after coup leader Andry Rajoelina, former mayor of the capital Antananarivo, vetoed the proposed distribution of senior posts in government. In April 2010, Rajoelina agreed to a fundamentally similar plan drafted by France, South Africa and SADC to share power with former president Mark Ravalomanana – ousted by Rajoelina in March 2009 – and two other past presidents, pending democratic elections.

“The era of making a distinction between ‘a good coup’ and a ‘bad coup’ is over. The Guinean debacle is a wake-up call that the democratic gains we made in Africa cannot be taken for granted.”

- Chief Ojo Maduekwe, Nigerian Foreign Minister⁶

Incumbents go free

The outcome of mediation has been less clear, and more disputed, where incumbent leaders are implicated in vote-rigging and intimidation. In Kenya and Zimbabwe, power-sharing arrangements brought an end to election violence. In Zimbabwe, SADC mediators argued for coalition government to counter a monopoly of state institutions by the incumbent ZANU-PF party. A constitutional review was launched, while dollarisation of the economy quelled hyper-inflation. The risk of more electoral violence in future is high, although the participation of rivals in organising the ballot may enhance the prospects for fairer elections.

The inclusion of unelected leaders – and most visibly the appointment of Libyan president Muammar Qaddafi as AU chairman from February 2009 to February 2010 – has provoked scepticism about the integrity of reforms advanced by Africa’s multilateral institutions. To some extent, the prevailing criticism follows from misunderstanding of the political structure of the AU. While autocratic governments are represented, administrative power is vested largely in the permanent institutions of the AU Commission and the Peace and Security Council.

The working principle of the AU is inclusivity. Many member states have failed repeatedly to pay annual membership fees, yet remain inside the AU. In 2009, the AU Assembly called for an end to all international sanctions on President Mugabe and his allies in Zimbabwe. In 2010, President Qaddafi campaigned unsuccessfully for a second term as chairman, against the rules of the AU constitution. Among sceptics, an impression lingers that the AU is a cosy club of dictators who are reluctant to practise what they preach.

Suprapower

Inclusivity, however unsightly, is also the basis of the authority, albeit limited, of the AU. Unlike the institutional apparatus of the UN and many other multilateral organisations, the AU derives influence from including within its ranks even those African governments and leaders which have resisted the aspirations of its charter. At its summit of heads of state in 2010, the AU adopted new powers to oppose ‘unconstitutional changes of government’. The African Standby Force, comprising up to 25,000 personnel in five regional ‘brigades’, will begin to become operational in 2010.

Among foreign powers, no appetite exists for involvement in Africa’s conflicts before at least a modicum of stability has been secured. The Peace and Security Council has intervened where other international agencies often have been reluctant to act. Such interventions are complex and flawed – in Africa as much as in other regions, such as the Balkans in the 1990s. But the record of AU mediation and intervention during its first decade compares favourably to the history of external intervention in African crises.

The AU has acted as an institutional and military force in defence of democratic constitutions and to stymie post-election conflict. Its proactive approach since 2002 is a clear departure from the tradition of non-interference of the OAU. In 2009, the AU requested a UN arms embargo and sanctions against Eritrea, and AU troops helped to depose a renegade island president in the Comoros. Support for inclusivity and power-sharing has been largely consistent. In the case of Zimbabwe, its call for an end to all international sanctions followed the formation of a power-sharing government in Harare.

Africa’s emerging security infrastructure will depend on closer collaboration with foreign military and intelligence agencies from the G20 countries, including US Army Africa Command. The Joint Africa-EU Strategy adopted at the 2007 Lisbon summit included a Peace and Security Partnership to secure ‘predictable funding for African-led peace support operations’. No realistic or desirable alternative is likely to emerge in Africa. The rest of the world has a strong interest in the success of the inclusive principle propagated by the AU.

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FURTHER INFORMATION

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