

# Between reactive and proactive interventionism: The African Union Peace and Security Council's engagement in the Horn of Africa

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## **Abstract**

This article will assess the interventionism which the African Union (AU) Peace and Security Council (PSC) has fostered in the Horn of Africa region with particular reference to the Sudan, Somalia, Djibouti, Eritrea, and Kenya. Ten years after the establishment of the AU and eight years after the operationalisation of the PSC, the Union has adopted a stance that can be defined as 'interventionist' as far as peace and security issues in Africa are concerned. This article will assess whether this interventionism has been predicated on a coherent AU policy towards crisis situations, or whether it can be best described as 'reactive interventionism'. This article will thus elaborate on the notion of reactive interventionism. With the onset of more pronounced intra-state conflicts between the period of the 1990s and the present, it has become evident that a policy of intervention is necessary to stem the proliferation of complex emergencies. This is particularly evident in the Horn of Africa. Concomitantly, the PSC has been considerably more engaged with situations in the Horn than in other parts of Africa. This article will argue that while the PSC's interventionism is laudable, the cases of Somalia

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and Sudan reveal that it has not been backed up by a genuine commitment by AU member states to ensure and conduct robust peace operations. This reveals that the PSC is beset by a 'reactive' form of interventionism which in many respects is a function of the absence of a proactive and preventive culture of crisis prevention within the AU system and its member states. This article will argue that the PSC needs to make the transition from reactive interventionism towards more proactive interventionism. The article will identify some of the obstacles and challenges that need to be overcome at the strategic level of AU decision making and at the tactical and operational level of implementation in order to ensure that proactive interventionism becomes entrenched in the modus operandi of the PSC and other organs of the AU system.

## **A theory of interventionism**

Intervention theory is used in policy analysis to refer to decision-making problems of intervening effectively in order to achieve desired outcomes (Argyris 1970). Intervention theory addresses the question of when it is desirable to intervene and when it is not appropriate to do so. In this regard, timing is essential to the intervention processes. Intervention theory also discusses and examines the effectiveness of different types of intervention. Effective intervention depends on having the appropriate and useful information. It also assesses how intervention can be sequenced to achieve a maximum impact in a particular context. Certain interventions can be ineffective in addressing a particular problem. It is therefore important to emphasise the link between recipients and interveners. The ultimate responsibility resides with the recipients of the intervention to internalise the goals of the intervention, which usually include the objective of bringing about positive change. In this regard, interventionism is really a process of norm promotion, from the perspective of both the interveners and those who are targets and recipients of intervention.

## **A history of OAU non-interventionism**

On 25 May 1963 the Organisation of African Unity (OAU) was established to advance the cause of Pan-Africanism and promote solidarity and cooperation among Africans (OAU 1963). At the creation of the OAU, its primary challenge

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was to address the scourge of colonialism which persisted in some parts of Africa. Essentially, the OAU sought to end racial discrimination upon which colonialism with its doctrine of racial superiority was based, as well as to assert the right of Africans to control their social, economic and political affairs and achieve the freedom necessary for peace and development. A substantial number of African states had also attained independence in the early 1960s and were faced with the challenge of consolidating their nascent governments.

The OAU succeeded in its primary mission, of course with the help of international actors, of liberating the continent when finally, on 27 April 1994, a new government – based on one person, one vote – came into being in South Africa under the leadership of Nelson Mandela. The OAU however was not as effective in monitoring and policing the affairs of its own member states when it came to issues mentioned earlier such as: violent conflict, political corruption, economic mismanagement, poor governance, lack of human rights, lack of gender equality and lack of poverty eradication. The OAU created a Mechanism for Conflict Prevention, Management and Resolution in Cairo, in 1993. This instrument was ineffective, however, in resolving disputes on the continent. Tragically, the Rwandan genocide which was initiated in April 1994 happened while this mechanism was operational. It was also during this last decade of the twentieth-century that the conflict in Somalia led to the collapse of the state, and the violence in Sierra Leone, Liberia, Angola and the Democratic Republic of the Congo led to the death of millions of Africans. These devastating events illustrated the limitations of the OAU as a framework for conflict resolution. There are of course no guarantees that both the intervener and the referent targets will perceive the norm similarly. The onus will be upon the interveners to in fact inculcate in the recipients the necessity of the norm, which may take time to achieve.

## **The African Peace and Security Architecture and its framework for intervention**

The AU is learning from the lessons of the OAU and has adopted a much more interventionist stance through its legal frameworks and institutions. The AU Peace and Security Council was established in 2004 through the *Protocol*

*relating to the establishment of the African Union Peace and Security Council* (AU 2002). The AU and the PSC's mandate to intervene is also supported by the establishment of an African Standby Force (ASF) by 2010, as stipulated in the Protocol establishing the Council. In addition, a Military Staff Committee will provide advice to the PSC on deployment and security requirements. A Continental Early Warning System (CEWS) will provide analysis which can assist with preventive diplomacy and conflict prevention initiatives. A Panel of the Wise (PoW), composed of distinguished African statesmen and women, has also been operationalised to assess crisis situations and intervene to prevent further escalation of tension.

The ASF is intended to cooperate, where appropriate, with the UN and sub-regional African organisations in conducting peace operations. In effect, the AU will continue to maintain a working relationship with the UN and coordinate the activities of Africa's sub-regional organisations, namely the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), the Southern African Development Community (SADC), the Economic Community of Central African States (ECASS) and the Arab Maghreb Union (AMU). The ASF will be comprised of five brigades, one from each of Africa's sub-regions: Southern, Eastern, Central, Western and Northern brigades. These brigades will be coordinated either by their affiliate regional economic communities or dedicated regional mechanisms. The ASF can only be effective if there is much closer coordination and cooperation between the AU's defence and foreign affairs ministries, and if a stable source of funding is found for the force. At the operational level, the force needs further development to enhance its capacity to conduct mission planning, budgeting and mission management.

### **The AU Peace and Security Council**

The AU's 15-member PSC is mandated to conduct peacemaking, peacekeeping and peacebuilding. The PSC will have 15 member countries (ten elected for a term of two years and five for a term of three years). The Chairperson of the AU will be assisted by a Commissioner in charge of Peace and Security to provide operational support to the PSC as well as deploy efforts and take the necessary

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steps to prevent, manage and resolve conflicts. The PSC will assess potential crisis situations, send fact-finding missions to trouble spots and be in a position to authorise and legitimise the AU's intervention in internal crisis situations. Article 4(h) of the AU Constitutive Act affirms the right of the Union to intervene in a member state with respect to crisis situations. In specific, article 7(e) of the Protocol on the PSC states that the Council can 'recommend to the Assembly (of Heads of State), ... intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments' (AU 2002:9). This is a major qualitative difference with the Charter of the OAU. With the adoption of these legal provisions, for the first time in the history of Africa, the continental organisation working through an appointed group of states has the authority to intervene in internal situations that might lead to atrocities being committed against minority groups or communities at risk within states.

### **AU PSC interventionism in the Horn of Africa**

Eight years after its inception in 2004, the PSC has adopted a stance that can be defined as 'interventionist' as far as peace and security issues in Africa are concerned. With the onset of more pronounced intra-state conflicts between the period of the 1990s and the present, it has become evident that a policy of intervention is necessary to stem the proliferation of complex emergencies. The need for intervention is evident in the Horn of Africa. Concomitantly, the PSC has been considerably more engaged with situations in the Horn than in other parts of Africa including Darfur, Sudan, Somalia, Djibouti, Eritrea and Kenya.

### **The AU PSC's intervention in Darfur: African Mission in Sudan (AMIS) I**

In February 2003 the Darfur region on the border of eastern Chad and western Sudan was afflicted by violent conflict – initially between the Sudanese government and a pro-government militia also known as the Janjaweed on the one side, and on the other side two rebel movements, the Sudan Liberation

Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) (Mans 2004). The conflict resulted in widespread atrocities committed against civilians and uprooted people from their homes – generating displaced populations. To date there are close to 2.7 million Internally Displaced Persons (IDPs) and another 4.7 million people affected by the conflict and in need of humanitarian assistance. As of early January 2009 only 65 per cent of the affected population was accessible by humanitarian agencies.

Following the violence in the western Darfur region of Sudan, which began with the armed resistance groups, SLA and JEM, attacking government outposts in response to a history of socio-economic and political marginalisation (Cohen 2006:1), the AU in June 2004 deployed a protection force in Darfur, also known as the African Mission in the Sudan (AMIS).

However, the ability of the AU to achieve and fulfil its mission in such a situation would always depend on its capacity to mobilise the political will of its member states. Therefore a political process was also vital in ensuring that there was a bona fide peace to keep. AU-led mediation talks were convened in 2004, which led to a Humanitarian Ceasefire Agreement signed in N'djamena, Chad, on 8 April 2004. Subsequently, the Protocol on the Security Situation in Darfur; the Protocol on the Improvement of the Humanitarian Situation in Darfur; and the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur were all signed in November 2004.

The initial mandate of AMIS I was to assist the parties in conflict to reach a political settlement. It was also tasked to monitor and observe compliance with the Humanitarian Ceasefire Agreement; undertake confidence building; facilitate the delivery of humanitarian assistance; assist internally displaced persons (IDPs) in their camps and eventually facilitate their repatriation; and promote overall security in Darfur.

AMIS I started with 80 military observers in April 2004. AMIS I was coordinated by the Darfur Integrated Task Force based at the AU headquarters in Addis Ababa and had an operational base in El Fasher, Darfur. AMIS I was deployed with the support of the UN, European Union (EU), North Atlantic Treaty Organisation (NATO), as well as on a bilateral level by the Government of Japan

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and South Korea. The initial Troop Contributing Countries (TCCs) included Gambia, Kenya, Nigeria, Rwanda, South Africa and Senegal. The Civilian Police Contributing Countries were Cameroon, Gambia, Ghana, Mauritania, Nigeria, South Africa and Zambia.

While AMIS presence occasionally deterred violence against civilians it did not entirely eliminate its prevalence across the Darfur region. Indeed, it was incapable of achieving such a feat largely due to its limited mandate and also due to its lack of capacity and adequate resources. Therefore, the AU's monitoring mission left much to be desired and a more robust peacekeeping force was required to effectively dissuade the silent genocide that was unfolding in Darfur (Prunier 2005).

### **Analysis of the failure of AMIS II**

The AU had a rather weak mandate in Darfur to effectively monitor the humanitarian crisis in the region and coordinate efforts to advance the cause of peace. A Technical Assessment Mission was conducted from 10 to 22 March 2005 with the participation of the UN, EU and United States. The mission concluded that AMIS should be strengthened. Therefore, a more enhanced mandate was issued and an expanded AU mission, which included civilian police units to protect refugee camps, was authorised in October 2005. AMIS II consisted of 3 320 personnel including 2 341 military personnel, 450 observers and 815 civilian police personnel. The number of AMIS II personnel increased to 6 170 military personnel and 1 560 civilian police by the end of 2005. AMIS II was similarly mandated to monitor and observe compliance with the ceasefire, provide security for humanitarian relief, and facilitate the return of IDPs.

At the same time, the AU's peacemaking initiative in Abuja, Nigeria, under the tutelage of the former Secretary-General of the OAU, Dr Salim Ahmed Salim, led to the signing of the Darfur Peace Agreement (DPA). On 5 May 2006 the DPA was signed in Abuja, Nigeria, by the Sudanese government and two factions of the SLA. Other factions of the SLA (Minni Minnawi and Free Wing) as well as the other armed resistance group, the JEM, refused to sign the agreement. This meant that the DPA was by no means a comprehensive peace agreement in

the mould of the South Sudan agreement. This also indicated that the conflict was not over and that there was no durable ceasefire. Subsequently, the various insurgencies and armed resistance groups began to fight each other, and the situation deteriorated into a military, political and diplomatic conundrum.

The AMIS operation was due to wind down and be replaced by a more robust UN peacekeeping operation. However, the Sudanese government had systematically rejected efforts to convert the AU mission into a UN mission and requested the AMIS mission to terminate its operations by 30 September 2006. The stubborn stance adopted by the Sudanese government was based on an appeal to the strictures of sovereignty and the principle of non-intervention in the affairs of member states. Therefore the AU mission continued to struggle to maintain security in the region.

The AU mission floundered primarily because the Sudanese government was obstructionist and prevented its effective functioning. The Government of Sudan was quite adept at manoeuvring against the establishment of a UN peacekeeping force on its territory. The Khartoum regime under the tutelage of President Omar Al-Bashir categorically stated that the presence of a UN force would be tantamount to the recolonisation of Sudan. However, AMIS I and II also failed to fulfil their mandate because they had insufficient troops, and inadequate equipment and training.

The inefficacy of AMIS was also due to the fact that since the conflict had begun in 2003, the situation in Darfur has descended into confusion with the increasing factionalisation of the initial armed resistance groups. The key armed factions include the Sudanese Liberation Army (SLA), the SLA factions Abdul Wahid, Minni Minnawi, Free Wing, and Unity, and the United Resistance Front together with the Justice Equality Movement Collective.

## **The trajectory of UN engagement in Darfur**

UN Security Council Resolution 1706 requested ‘the Secretary-General to take the necessary steps to strengthen AMIS through the use of existing and additional UN resources with a view to transition to a United Nations operation in Darfur’ (UNSC 2006: para. 11). In the lead up to the deployment of the UN-African Union Mission in Darfur (UNAMID), the UN Department of Peacekeeping



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Operations (DPKO) was already supporting AMIS through its UN Assistance Cell in Addis Ababa, Ethiopia, the AU headquarters. More specifically, DPKO and the AU's Peace Support Operations Division had signed an agreement to develop a joint action plan. In July 2006, the UN created a dedicated integrated capacity to oversee the implementation of this action plan. This integrated capacity will involve the 'collocation' of UN staff within the AU Commission in Addis Ababa. This innovative approach of embedding UN staff within the operational structures of a regional organisation represented an attempt at forging a hybrid partnership. The UN was at pains to reaffirm that this was not an asymmetrical partnership, but an entirely new arrangement, established through the mutual consent of both parties. Chapter VIII of the UN Charter is not explicit on the possibility of establishing such a hybrid partnership, and there is significant leeway to operationalise such a relationship if both the UN and the regional organisation are compliant. Article 52 in fact states that 'the Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council'. Thereby a legal basis for embedding UN staff within the AU was created.

As far as the efforts to deploy a UN peace operation was concerned, 'the Sudanese government followed a strategy of obstructionism, initially taking advantage of the language of Resolution 1706, which "invites the consent" of Khartoum as a precondition for deploying UN peacekeepers' (Gowan 2008:461). The Sudanese regime's intransigence meant that a UN mission which was supposed to have been deployed in 2006 was ultimately delayed. In effect, 'Sudanese obstruction has demonstrated how easy it was to manipulate and undermine the UN's mandate and operational machinery' (Gowan 2008:461). The Sudanese government's relative success in disrupting the peacekeeping system has provided succour for would-be intransigent regimes which will undoubtedly deploy similar tactics in the future.

### **Deployment of the joint AU-UN hybrid operation in Darfur**

Through persistence in addressing and overcoming the objections put forward by the Sudanese government, the UN Security Council Resolution

1769 officially authorised the deployment of UNAMID in July 2007. The plan was that UNAMID would incorporate AMIS personnel, but would also be buttressed by additional UN heavy and light support equipment and machinery. At full strength UNAMID was expected to have 19 555 military personnel including 3 772 police and 320 observers. The total strength of UNAMID uniformed personnel rose to 10 537, including 8 569 military personnel (8 142 troops, 285 staff officers, 113 military observers and 29 liaison officers), and 1 948 police personnel (1 808 individual police officers and one formed police unit of 140 personnel) (UN 2007:1). The mission had also recruited 2 564 civilian staff (including 645 international staff, 1 704 national staff and 215 UN volunteers). A full staff complement has not yet been recruited in Darfur, and UNAMID expected to increase its numbers to 14 823 personnel, which is the equivalent of 60 per cent of the total authorised staff complement (UN 2009:2). Staff were drawn from Bangladesh, China, Egypt, Ethiopia, Gambia, Kenya, Nigeria, Rwanda, Senegal and South Africa. Its anticipated budget was US\$ 1.7 billion per year, which is the largest in the history of UN peacekeeping operations.

Despite the security challenges, UNAMID conducted confidence-building patrols, provided convoy protection and facilitated humanitarian access. UNAMID in partnership with ‘a number of UN funds and programmes, conducted a series of training and capacity building workshops for 119 members of the rebel police forces, 90 sheikhs and *umdas* (traditional elders) and 295 internally displaced persons on the subjects of human rights, gender, and community-policing’ (UN 2007:8). In addition, the Civil Affairs section within UNAMID engaged ‘civil society and women’s groups, the local administration, the academic community, and other segments of the Darfur society on the peace process and local conflict resolution initiatives’ (UN 2007:8).

As far as the political process is concerned, a new AU-UN Joint Chief Mediator for Darfur, Djibrill Bassolé, was appointed in August 2008. Bassolé was charged with revitalising the stalled mediation process and crafting a political solution to the crisis in Darfur. The UNAMID efforts could become completely reversed if the violence persisted and escalated. Specifically, violent confrontation has been ongoing between the Government of Sudan troops and the government-backed

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militia also known as the Janjaweed. There was sporadic violence in northern Darfur where the Sudanese regime was engaging the SLA-Abdul Wahid faction. On 25 August 2008, Government security forces surrounded an IDPs camp in Kalma which accommodated approximately 80 000 people, ostensibly to search for weapons and other contraband, and opened fire killing 33 IDPs and wounding 108, including 38 women and 25 children. UNAMID was eventually able to access the camp and evacuate the wounded (UN 2009:11).

### **Challenges facing UNAMID**

UNAMID was confronted by problems similar to those that beset AMIS I and AMIS II. Since July 2008 Darfur has experienced a deterioration of the security situation. In particular, the violence 'included high levels of banditry, occasional military engagements, ethnic clashes and deadly attacks on UNAMID forces on 8 July which resulted in the deaths of five peacekeepers' (UN 2009:7). The Government of Sudan is continuing to send sorties of aerial bombardments against parts of Darfur and conduct military offensives which are resulting in the death of civilians. Gender-based violence remains a common occurrence in the region. In addition, humanitarian workers are being abducted and are reporting incidents of violence. The food security situation in the region remains precarious.

In addition, UNAMID faces key challenges in terms of its ability to transport personnel and equipment using ground transportation which is still limited in capacity. In addition, 'the environment of heightened insecurity had a direct impact on UNAMID efforts to move contingent-owned equipment into Darfur' (UN 2009:3). Air transportation is being provided under the auspices of the group known as the Friends of UNAMID, which is dominated by the logistical support from the United States government. The Friends of UNAMID have specifically been assisting with the airlifting of troops and contingent-owned equipment directly from troop-contributing countries into Darfur. According to the UN Secretary-General, Ban Ki-moon, 'UNAMID, despite its broad mandate for the protection of civilians and assistance to peace implementation, is not designed to create a sustainable solution to the Darfur crisis. That is the responsibility of the parties to the conflict' (UN 2008:14).

On 4 March 2009, the Prosecutor of the International Criminal Court (ICC) issued an arrest warrant against President Omar Al-Bashir of Sudan for war crimes and crimes against humanity, in line with the mandate of the body as stipulated in the Rome Statute. This indictment followed a request by the UN Security Council to assess whether war crimes had been committed in Darfur. Almost immediately the AU PSC convened on 5 March 2009 and requested the UN Security Council to defer and effectively postpone any ICC interventions in Darfur, ostensibly not to affect the ongoing peacemaking processes in the region. On 3 July 2009, the AU's Thirteenth Annual Summit of Heads of State and Government met in Sirte, Libya, and decided not to cooperate with the ICC in facilitating the arrest of Bashir. This strategy was questioned by Botswana and subsequently South Africa, both of whom cited their obligations towards the Rome Statute. The ramifications of this indictment of the operational effectiveness of the Joint AU and UN Hybrid Mission in terms of its impact on working relations with the Government of Sudan are yet to be quantified. The situation in Darfur therefore remains fairly precarious. The stand-off between the AU and the ICC persists, with the Union making the argument that it prefers to have a sequenced approach in which the requirements for peace are met prior to pursuing the demands of justice.

### **AU PSC peace interventions in Somalia**

The collapse of the central government in Somalia in 1991 came after decades of dictatorial rule by Siad Barre and three years of civil war. The coalition which succeeded Barre became embroiled in its own internal strife, however, which led to increasing factionalisation in the country. The UN intervened to address the insecurity in the country with the deployment of the UN Operation in Somalia (UNOSOM) in May 1992. The feuding clans made it virtually impossible for UNOSOM to deploy effectively and uphold its mandate. Consequently, the UN drew upon Chapter VII of its Charter and deployed what was thought to be a more robust mission in the form of the Unified Task Force (UNITAF), ostensibly led by the United States of America (USA) and dubbed 'Operation Restore Hope'. UNITAF was to set the scene for another UN peacekeeping operation, known as UNOSOM II, which was tasked with undertaking disarmament of the

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warring factions as well as peacebuilding. However, the obstacles encountered by UNOSOM I resurfaced and the mission gradually became discredited and withdrew entirely from Somalia in 1995.

After 21 years (1991–2012) of difficult peacemaking and peacekeeping initiatives, Somalia is still in a state of insecurity. The persistence of violence in Somalia has caused tremendous damage and loss of life and prevented effective humanitarian intervention and relief work. In terms of regional security the continuing instability in Somalia has created a fertile ground for a range of armed militia, which are often clan-based, to wield significant power and control over sections of the country. Regional and international security has been affected with the spill-over of refugees and armed militia into neighbouring countries, particularly Ethiopia and Kenya, as well as the hijacking of sea-faring vessels in the Indian Ocean.

A peacemaking initiative by the sub-regional organisation, the Intergovernmental Authority on Development (IGAD), led to the signing of an agreement in October 2004, in Nairobi, Kenya, between the main Somali clans. The objective was to establish Transitional Federal Institutions (TFIs), including a Transitional Federal Government (TFG), which would strive to re-establish peace in the country. On 14 October 2004, the IGAD-led initiative laid the foundations for the election by members of the Somali Transitional Federal Parliament of President Abdullahi Yusuf Ahmed as head of the TFG. The TFG subsequently went on to draft the Transitional Federal Charter (TFC) which was adopted in November 2004. While a number of Western governments recognised the TFG as legitimate, it has yet to receive universal acclaim within Somalia's borders. Currently, the TFG governs from Baidoa, which is temporarily serving as the administrative capital of Somalia.

### **IGASOM's false start**

In February 2005, the AU authorised IGAD to send a peace mission to Somalia to provide security for the TFG while it established itself in the country. In March 2005, the IGAD defence chiefs adopted a plan to deploy 10 000 peacekeepers to Somalia in April of the same year. The idea was to utilise the peacekeeping

mission to oversee the voluntary disarmament of the militia. However, this plan was misconceived, largely because the IGAD member states lacked the necessary political will to see through the initiative. In addition, IGAD at the time did not possess an in-house capacity and framework to rapidly deploy peacekeepers to member states. Above all, IGAD's Charter did not have a provision for the deployment of a peace operation. Furthermore, there was no consensus among the various Somali factions about the appropriateness of a peacekeeping force in the country. However, on 6 December 2006, UN Security Council Resolution 1725 authorised 'IGAD and Member States of the AU to establish a protection and training mission in Somalia' which was dubbed IGASOM. IGASOM, however, was never deployed to Somalia for all of the reasons stated above.

## **The African Union Mission in Somalia**

Following a Report of the Chairperson of the Commission on the situation in Somalia and the evaluation and recommendations of the AU Military Staff Committee, the AU Peace and Security Council decided to authorise the deployment of the AU Mission in Somalia (AMISOM) on 19 January 2007, for an initial period of 6 months, and with the mandate to:

1. provide support for the TFIs (Transitional Federal Institutions) in their efforts towards stabilisation of the situation in the country and the furtherance of dialogue and reconciliation;
2. facilitate the provision of humanitarian assistance; and
3. create conducive conditions for long-term stabilisation, reconstruction and development in Somalia.

On 20 February 2007, the UN Security Council adopted SC Resolution 1744, which further legitimised AMISOM's deployment. The UN is supporting AMISOM through an assistance cell to the AU in Addis Ababa primarily with the provision of military planners. The UN Security Council met with the AU Peace and Security Council on 16 June 2007 and discussed the modalities for deeper collaboration. In particular, both bodies discussed the importance of stabilising Somalia.

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AMISOM was officially launched in March 2007 with 1 700 Ugandan troops. Burundi also deployed troops to bolster AMISOM. Towards the end of 2008, Nigeria pledged to deploy additional troops to buttress the Ugandan presence. Ghana and Malawi have also pledged to deploy troops to AMISOM, but this has not yet materialised, and AMISOM is yet to reach its authorised strength of nine battalions. The PSC decision indicated that 'the concept of logistic support for AMISOM shall be based on the model of the African Union Mission in Burundi (AMIB)' (AU PSC 2007: para 9). This effectively meant that the AU Commission would 'mobilize logistical support for the [Troop Contributing Countries] TCC's, as well as, funding from AU member states and partners to ensure that TCC's are reimbursed for the costs incurred in the course of their deployment, based on AU practice' (AU PSC 2007: para. 9).

AMISOM initially attempted to stabilise parts of Mogadishu and Baidoa in which it established its operations. AMISOM also sought to create the security conditions to enable the complete withdrawal of Ethiopian troops from Somalia. AMISOM further attempted to support national dialogue and reconciliation. The European Union (EU) initially supported the deployment of AMISOM with 15 million Euros as well as providing planning assistance to several potential troop-contributing countries and logistical support for the AU military cell in Addis Ababa.

Ethiopia invaded Somalia in 2006 with a view to buttressing the support for the fledgling Transitional Federal Institutions. This only inspired local armed militia to emerge to confront this perceived occupation, which further fuelled instability and heightened the level of instability in the country. In January 2009, Ethiopia withdrew its 3 000 troops from Somalia. In addition, in December 2008, President Abdullahi Yusuf resigned, stating that Somalia had been overrun by armed militia and that he could not legitimately exercise power or control, which are key attributes for a state that claims to have sovereignty over a particular territory. The multifarious groupings of insurgents have effectively assumed control of most of southern Somalia outside the capital Mogadishu and Baidoa, where the parliament sits. AMISOM troops have therefore been essentially restricted to their barracks and were unable to effectuate any significant transformation in the country in the absence of political consensus among the

warring factions on how to reconstitute Somalia. A communiqué issued by the AU Peace and Security Council at its 163<sup>rd</sup> meeting held at a ministerial level, on 22 December 2008, condemned ‘all acts of violence perpetrated against civilians and humanitarian workers, in violation of international humanitarian law, as well as attacks on AMISOM personnel and positions’ (AU PSC 2008b: para. 9). In the intervening period, the AU PSC has continued to review the AMISOM rules of engagement with a view to enhancing its response mechanisms, so as to ensure the safety of its personnel, equipment, key installations as well as provide effective support to the TFG. On 22 May 2009, the AU PSC ‘condemned the aggression perpetrated against the Transitional Federal Government of Somalia and the civilian population of Mogadishu and other parts of Somalia by armed groups, including foreign elements, bent on undermining the peace and reconciliation process as well as regional stability’ (AU PSC 2009: para. 3). The AU PSC also requested the UN Security Council to impose ‘a no fly zone and blockade of seaports, to prevent entry of foreign elements into Somalia’ and ‘to impose sanctions against all those foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups’ (AU PSC 2009: para. 5). The country today remains on a precarious footing with no central sovereign authority or the local will and means to consolidate any form of authority.

## **AU PSC intervention in Djibouti-Eritrea**

In February 2008, Eritrean troops took up military positions in Ras Doumeria along its border with Djibouti. Ostensibly, Eritrea was challenging the colonial demarcation of the 109-kilometer border between the two countries. On 10 June 2008, Eritrea undertook a military incursion into Djibouti’s internationally recognised border. Djibouti took this incursion as a threat to its peace and security. On 11 June 2008, Djibouti sent a letter to the AU PSC requesting ‘the convening of a meeting of the Council as a matter of urgency ... to put an end to the aggression by the Eritrean forces’. The AU PSC was quick to condemn Eritrea’s military action against Djibouti when it met at the level of Heads of State and Government (AU PSC 2008a). The AU PSC was supported by the UN Security Council in its efforts to resolve the resolution of the crisis between the two countries (UN Security Council 2008).



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This crisis appears to have been precipitated by Djibouti's role in hosting Somali actors who were working to find a resolution to the internal instability in their country. The Eritrean government was openly against the presence of the TFG and AMISOM in Somalia. The Eritrean Ministry of Information had in the past issued a statement in which it questioned the legitimacy of 'the so-called illegal "Transitional Government" imposed on the Somali people' (AU PSC 2008a). Eritrea has actively been supporting insurgent armed groups in Somalia who are opposed to the presence of the TFG, which has earned it international condemnation. Therefore, Eritrea considers any efforts to normalise the existence of the TFG as an affront to its own security, hence its aggressive posture towards Djibouti, as well as other countries in the region which support the transitional Somali government.

The AU's intervention relating to the tension between Djibouti and Eritrea has been fraught with challenges. This is primarily due to the fact that the relationship between Eritrea and Ethiopia is also tense and unresolved. In addition, Eritrea does not recognise the authority of the AU PSC and prefers to work through the UN system. The tension between the two countries has since decreased, but this inter-locking conflict system in the Horn of Africa, in which neighbouring countries adopt aggressive postures against each other, continues to pose a clear and present danger to the peace and security of the whole region.

### **AU PSC intervention in Kenya**

Following a contested presidential election in 2007, Kenya witnessed a widespread outbreak of political violence which led to the death of approximately 1 300 people and the internal displacement of approximately 500 000 citizens. The heavily contested election of December 2007 triggered the violence over a period of about six weeks, during which the AU operationalised an intervention to stem the escalation of violence. The former President John Kuffuor of Ghana, who was the then Chairman of the AU Assembly of Heads of State and Government, utilised his office to attempt to initiate a mediation process between the disputing political formations of the incumbent President Mwai Kibaki of the Party of National Unity (PNU) and those of the contender, Raila Odinga of the Orange Democratic Movement (ODM). Kuffuor's initial attempt to mediate

was rebuffed by the parties. However, as a way forward, Kuffuor convinced the AU to establish a Panel of Eminent African Personalities, led by Kofi Annan, the former Secretary-General of the UN, and including former President of Tanzania, Benjamin Mkapa, and Madame Graça Machel, a former leader within the Mozambican freedom movement FRELIMO. The AU PSC endorsed the activities of this Eminent Panel, which was supported by the UN, and in the intervening period of political violence managed to mediate a peace agreement between the parties known as the Kenya National Dialogue and Reconciliation Agreement, which was signed on 28 February 2008.

This Kenyan mediation remains one of the few success stories of an AU-constituted peacemaking intervention. It is however worthwhile to note that the intervention occurred after the escalation of the crisis rather than before. The Kenyan Agreement provided the platform for the establishment of a coalition government which will govern until 2013, when the next round of elections will be convened. The lack of implementation of some of the provisions of the Kenya National Dialogue and Reconciliation Agreement means that the necessary post-conflict peacebuilding processes have not yet taken sufficient root in the country. This does not augur well for the forthcoming elections in 2013, since similar contestations might arise and be utilised by the politicians to polarise the electorate. The AU Eminent Panel continues its monitoring role in the implementation of the National Accord. The PSC's role in this regard is largely a supportive one. However, the Council can raise concerns if the transitional process does not seem to be moving forward.

### **Contextualising the reactive interventionism of the AU PSC**

Despite these interventions in the Horn of Africa, we can question whether the PSC's interventions have been predicated on a coherent preventive AU policy towards crisis situations, or whether it can be best described as 'reactive interventionism'. While the AU has the mandate within the PSC Protocol to prevent the outbreak and escalation of violent conflict, it has, in all of its interventions in the Horn of Africa and elsewhere across the continent, only intervened after the unnecessary escalation of tension and violence. These interventions have revealed that the AU PSC is beset by a 'reactive' form

of interventionism. In all instances, the AU PSC only became involved after the crises had escalated beyond a point where intervention became inevitable. It was indeed *reacting* to situations rather than pre-empting them and being proactive.

### **The limits of the reactive interventionism and the case for proactive interventionism**

While the AU PSC's interventionism is laudable, the cases of Darfur, Somalia, Djibouti, Eritrea and Kenya reveal that it has not been backed up by a genuine commitment of AU member states to ensure and conduct robust conflict prevention and peace operations. The AU PSC's reactive interventionism is a function of the absence of a proactive and preventive culture of crisis prevention within the AU system and its member states. The PSC is often encumbered by political considerations of AU member states, which is one of the reasons why it is ineffectual in achieving proactive interventionism. As experiences in the Horn of Africa illustrate, the AU is beset by a 'Fire Brigade' approach to security policy. This means that the PSC and the wider AU will always be one step behind an emerging crisis anywhere on the continent, and this does not augur well for the safety and security of African citizens who are caught up in conflict situations.

The PSC therefore needs to make the transition from reactive interventionism to more proactive interventionism. The AU has a raft of institutions that can enable it to undertake proactive interventionism, so in this regard it does not need to establish any new institutions. The PSC is but one of these institutional frameworks. Another is the AU Continental Early Warning System, which is designed to provide timely information to the African Peace and Security Architecture.

### **Institutionalising proactive interventionism: Panel of the Wise and preventive diplomacy**

The Panel of the Wise, constituted under the terms of article 11 of the Protocol Relating to the Establishment of the Peace and Security Council of the AU, has to date been underutilised. It can play an important role in complementing the work of the PSC. In particular, the Panel of the Wise does have a mandate for

proactive interventionism. This Protocol (AU 2002: article 11, paragraph 1) stipulates that the Panel of the Wise has the mandate ‘to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission, particularly in the area of conflict prevention.’ Specifically, according to article 11, paragraph 3, the Panel of the Wise has the mandate to ‘advise the Peace and Security Council and the Chairperson of the AU Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa’. In addition, article 11, paragraph 4, stipulates that ‘at its own initiative, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflict’. This endows the Panel of the Wise with the authority to facilitate and mediate potential or ongoing disputes on its own volition.

There is no question as to whether the Panel of the Wise can add value to the initiatives of the AU Peace and Security Council and/or the Chairperson of the Commission, and contribute effectively to conflict prevention and resolution. Unlike the PSC, the Panel is not politically encumbered and therefore has the remit to genuinely engage in preventive diplomacy at an early stage. The Panel Modalities clearly stipulate that it has the independence to pursue any conflict situation that it believes warrants its attention. However, the Panel will confront some political obstacles that typically affect the work of conflict prevention frameworks. Currently, the role of the Panel of the Wise has been confined to conducting studies on thematic issues pertaining to peacemaking, governance and the rule of law. This is, however, not the function that was envisaged for the Panel of the Wise in the Protocol establishing the AU Peace and Security Council. This limiting role for the Panel has to be addressed by the leadership of the AU Commission. Therefore, the importance of ensuring political buy-in from the rest of the AU Peace and Security Architecture, as well as AU member states, is absolutely vital for the efficacy of the Panel of the Wise. In practice, this means that the Panel of the Wise will need to be endowed with its own independent secretariat, ideally reporting only in a nominal sense to the AU PSC and the Office of the Chairperson of the AU Commission. In addition, this set-up will require an approach predicated on system-wide coordination of the various structures

and institutions of the African Peace and Security Architecture. Currently, the Panel is embedded in the AU Directorate of Peace and Security which means that its activities are coordinated to ensure that they do not infringe upon the political sensitivities which the Directorate has to take into consideration in its work. In the absence of system-wide coordination there is a very real danger that the activities of the Panel will be routinely undermined. A renewed role of the Panel of the Wise will enable the AU to entrench a culture of prevention and institutionalise proactive interventionism within the AU system. Ultimately, a pragmatic appreciation of the nexus between preventing conflicts, making peace once conflicts have escalated, and keeping peace following agreements will determine how effective the Panel of the Wise will be.

### **Obstacles and challenges to proactive interventionism in the Horn of Africa**

The main obstacles and challenges facing a transition towards proactive interventionism are predicated on the fact that not all of Africa's heads of state and government are taking the AU system seriously. The norms and values that they have signed up to should be enough to encourage them to change behaviour. However, many leaders are behaving as though the AU does not exist. They continue to commit human rights atrocities, which form the basis for conflict escalation, with impunity. In terms of the future prospects for the AU, the organisation has all the necessary policy institutions to function as an effective framework for conflict resolution in Africa. It is necessary to mobilise the political will, at the level of African leaders, to exert peer pressure on fellow leaders, and at the level of citizens, to hold African governments to account to the principles, norms and values of human rights and democratic governance that they have signed up to. At the tactical and operational level of implementation of the norms, institutions and structures of the AU, the relevant stakeholders have to ensure that they uphold the provisions stipulated in the PSC Protocol. This is vital in order to ensure that proactive interventionism becomes entrenched in the modus operandi of the PSC and other organs of the AU system.

## Conclusion

Ten years since its establishment, the AU has adopted a stance that can be defined as 'interventionist' as far as peace and security issues in Africa are concerned. While the AU PSC's interventionism is laudable, the cases of Somalia and Sudan reveal that member states of the Union have not always committed sufficient resources to ensure and conduct robust peace operations. Clearly, the ideals of Pan-Africanism and the objectives of the AU as a framework for intervention to prevent and effectively manage conflict will only be achieved if there is the genuine political will to do so.

In the final analysis, the AU has made practical efforts to intervene to resolve conflicts by adopting a posture of non-indifference (AU 2005). Its efforts in Darfur, South Sudan, Somalia, Djibouti, Eritrea, and Kenya attest to this. The major problem facing the AU is the lack of integrity among some of the leaders of African countries who have committed themselves to principles, norms and values of human rights and democratic governance, but continue to practice suppression, dominion and exploitation of their own people. Therefore, there is the lingering legacy of the paradigm of non-intervention in the affairs of member states.

However, proactive interventionism can only succeed if African citizens are also empowered to contribute to this process. An uninformed population is easy to manipulate, and so a key strategy has to be to build the capacity of Africans to know how to address the challenges that confront them. This is the challenge of education and skills training in conflict prevention and proactive interventionism through Pan-African and international partnerships. These partnerships and exchanges could range from collaboration with universities and educational institutions in Africa to collaboration with governments and civil society on issues as peace and civic education, and development management. Cultural exchanges could also be highlighted and the richness of African cultural traditions brought to the fore. In particular, the AU can enhance its proactive interventionism by incorporating indigenous approaches to peacebuilding in its strategy for promoting peace and security.

Proactive interventionism will be systematically undermined by unprincipled and corrupt leadership in Africa. This issue has to be addressed if the AU's PSC is

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to offer a genuine hope to African people. The conundrum lies in the fact that the people who are best placed to influence African leaders are the African leaders themselves – working in collaboration with each other. The PSC is effectively mandated to serve as the instrument of collective security to pressurise African leaders to uphold the principles that they have signed up to. Yet the continent continues to witness African leaders remaining silent in the face of atrocities that are being committed against African people.

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