

At-Issue

Reframing the African Peace and Security Architecture: An Argument for a Unitary AU Post-conflict Reconstruction and Development Organ

SWIKANI NCUBE

Abstract: Africa's need for comprehensive normative and institutional frameworks for peacemaking and peacebuilding is obvious. Indeed, the prevalence of civil conflicts and general instability in most countries justifies the relative urgency with which the adoption of the Protocol Establishing the AU Peace and Security Council was viewed preceding and during the AU Assembly's inaugural Ordinary Session in July 2002. However, despite the establishment of the Peace and Security Council, the Panel of the Wise, the Continental Early Warning System, the African Standby Force, and the Peace Fund—organs that have come to represent the backbone of the African Peace and Security Architecture (APSA)—positive peace has remained an elusive ideal. This contribution makes two arguments. First, it argues that the continental organization's failure to include an organ solely dedicated to post-conflict reconstruction and development on the list of organs that form the spine of the APSA constituted a glaring omission, one which has significantly weakened the organization's capacity. Second, it argues that even if the organs envisaged in the 2006 AU Policy Framework on Post-conflict and Reconstruction are established, they will not cure the current deficiency in its entirety. Based on this conclusion, the paper makes an argument for the creation of a unitary PCRD organ. Finally, the paper explores enabling factors as well as challenges that would confront the possible establishment and operationalization of the said organ.

Key words: African Union, peace and security, post-conflict reconstruction, African peace and security architecture, peace and security, stability.

Introduction

When the Constitutive Act of the African Union (AU) was adopted in 2000, critics and commentators were quick to recognise and commend the primacy of peace and security on the new organization's agenda. Indeed, an argument against the centrality of political stability and the eradication of violence in what the AU has set out to achieve is unsustainable. When this Act came into force barely a year later, the inaugural Ordinary Session of the new organization's assembly had on its agenda the adoption of a Protocol Relating to the Establishment of the Peace and Security Council of the African Union (The PSC Protocol). This was no doubt highly significant, as it demonstrated the Union's resolve to give effect to the commitments to peace and security as captured in its founding charter.

Swikani Ncube is Senior Lecturer at the University of Johannesburg. He is also a non-resident Research Fellow at the South African Research Chair in International Law based at the same university. His research interests include peace and security, good governance, terrorism, forced migration and humanitarian law.

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Adopted in 2002, The PSC Protocol provided for the establishment of the Peace and Security Council (PSC), the Panel of the Wise (PoW), the Continental Early Warning System (CEWS), the African Standby Force (ASF), and the Peace Fund.¹ Collectively, these form what is now commonly referred to as the African Peace and Security Architecture (APSA). A simple textual interpretation of the Constitutive Act and the PSC Protocol confirms that the primary mandate of these organs is to individually, and as a collective, advance the objectives and principles of the AU in the areas of peace-making, peacekeeping, and post-conflict reconstruction. Since the coming into force of the PSC Protocol in 2004, a great deal of effort and resources (by AU standards) have been channelled towards enabling the five organs that form the core of the APSA to deliver on their mandates. However, despite these impressive normative and institutional frameworks, durable peace has remained an elusive ideal in a number of African countries. Even more worrisome, is the fact that some previously stable countries are slowly gravitating towards chaos and instability.

While a lot has been written about the AU's capacity for peace-making and peacekeeping, this contribution turns attention to the organization's capacity to undertake meaningful post-conflict reconstruction and development in post-war societies. Although the AU's post-conflict reconstruction and development mandate is underscored in both the Constitutive Act and the PSC Protocol, it was not until 2006 that an attempt was made to establish organs to spearhead the reconstruction of countries ravaged by violent strife. Through the AU Policy on Post-conflict Reconstruction and Development, the organization provided for the establishment of a PSC Standing Committee on PCRD, an AU Commission Inter-departmental Task Force and a Multi-dimensional AU Committee on PCRD.² Based on the mandates assigned to these organs, as well as the contemporary challenges confronting the AU, this paper argues that the organization needs a unitary PCRD organ in order to discharge its mandate effectively. Further, the paper argues that for the AU to ensure sound implementation of its PCRD activities, it needs an organ similar in stature and prominence to the five that have come to represent the backbone of the APSA. In making an argument for the establishment of a unitary PCRD organ, this contribution also explores some challenges that would confront the establishment and operationalisation of such an organ.

The next section provides an overview of the AU's PCRD institutional framework, focusing primarily on the PCRD Unit which is housed in the Department of Political Affairs at the AU Commission in Addis Ababa. This is followed by a section that outlines the substantive argument against the current institutional framework for PCRD and then an argument for the creation of a unitary organ, perhaps a PCRD Taskforce. Building on this argument are sections that outlines the factors that would either promote or discourage the creation of this said organ within the broad APSA framework.

The AU PCRD Unit: An Overview

Although the PSC Protocol is not silent on post-conflict reconstruction, it assigns this function to the PSC.³ At first glance, bestowing this mandate upon the Council seems appropriate considering that the organ was created to be Africa's premier peace and security body.⁴ Indeed, the Council is also burdened with the promotion of peace, security and stability as well as early warning, preventive diplomacy and peace support operations and intervention as outlined in the Constitutive Act.⁵ However, closer scrutiny reveals a more glaring omission. Although the PSC is burdened with an extensive mandate, from early warning through to intervention and post-conflict reconstruction, the PSC Protocol created

the five pillars of the APSA as instruments through which the PSC would execute its mandate.⁶ Why and how an organ dedicated specifically to post-conflict reconstruction was not established as part of the pillars of the APSA is rather inexplicable. Indeed, it is a serious indictment of the AU that it did not identify the need to include within the core pillars of its peace and security architecture, an organ to facilitate and coordinate the consolidation of peace through post-conflict reconstruction programs. This omission no doubt lends credence to the argument that the organization's approach to peace and security is dominated by a "fire-fighting" approach and as such, less attention is directed towards early warning and post-conflict rebuilding.⁷

The adoption of the PCRDR Framework in 2006 attempted to rectify this institutional lacuna by providing for the establishment of the three organs referred to above. The Framework also provided for the establishment of a ministerial committee for post-conflict reconstruction on a country by country basis.⁸ However, as of January 2016, ten years after the Framework was adopted, none of these organs had been operationalised and the AU's post-conflict activities had been characterised by what Hussien terms "ad-hocism."⁹ It was only in May 2016 that the Inter-Departmental Taskforce was launched to coordinate PCRDR activities of the Commission, AU liaison and regional offices, and other specialised agencies of the AU.¹⁰ Once operational, the Standing Committee will monitor the activities of all actors, provide support to affected countries, and also review the state of reconstruction on the continent on a regular basis.¹¹ Similarly, the Multi-dimensional Committee will interact on a constant basis with international actors including the UN Peace-building Commission to ensure, "that Africa's priorities are reflected in these structures."¹²

Until all these organs are fully operational, the AU's institutional capacity for post-conflict reconstruction remains weak. As of December 2018, the Peace and Security Department of the AU Commission housed a PCRDR Unit. This attempt at improving the AU's institutional capacity has fallen far short of expectations. The challenges the Unit faces were succinctly summarised by Lucey and Gida who observed:

The PCRDR unit at the AU lacks human, financial and technical resources and its activities have not generated nearly as much interest as peace support activities. Even when funders have demonstrated an interest in promoting PCRDR at the AU, they have been limited by the unit's lack of capacity. There is still only one permanent staff member in the PCRDR unit, with another temporary position paid for by donors, compared to a much larger Peace Support Operations Division (PSOD).¹³

Indeed, that it took more than ten years after the adoption of the PCRDR Framework for the AU to launch at least one of the three organs provided for in this document is evidence of how low PCRDR initiatives rank on the organization's list of priorities. This lack of urgency in strengthening the organization's capacity for rebuilding conflict-torn countries sends a wrong message, and a conclusion that the AU cares more about silencing guns as opposed to breaking cycles of violence is irresistible.

Notwithstanding the deficiencies outlined above, the AU has undertaken important post-conflict rebuilding programs in countries such as Sudan, the CAR, Comoros, Sierra Leone, and Liberia. The organization's first notable contribution came in July 2003 in the form of a Ministerial Committee for PCRDR for Sudan.¹⁴ Established through the AU Commission's Executive Council, the Committee was mandated to assess, in consultation

with the Sudanese government and the opposition Southern Peoples' Liberation Movement (SPLM), the needs and magnitude of the post-conflict situation in that country.¹⁵ In doing so, the committee was directed to focus on strengthening the capacity of the country in responding to post-conflict needs, a task which was to be achieved through sensitising the international community as well as other stakeholders and friendly donors of the post-conflict needs of Sudan.¹⁶ In addition to its involvement in Sudan, the AU has also undertaken multidisciplinary assessment missions in countries emerging from conflict. These include CAR in 2006; Sierra Leone and Liberia in 2009; DRC and Burundi in 2010; and Sudan, South Sudan, and Cote d'Ivoire in 2011.¹⁷ However, recognising the need to offer affected communities tangible benefits of peace processes, the AU has also embarked on programs aimed at equipping communities with practical skills for income generation. These skills training programs focus on the transfer of skills such as sewing, tailoring, carpentry, plumbing, vehicle, motorcycle and bicycle repair, and agricultural farming.¹⁸ In addition to these programs, countries such as DRC, Burundi, Rwanda, and Uganda have also benefited from small loan facilities which were availed to empower female headed households in the establishment of trading ventures.¹⁹ In some countries such as Liberia, Cote d'Ivoire, and the Comoros, the AU has also undertaken Quick Impact Projects (QIP). As the name suggests, these are projects designed to provide post-conflict societies with visible improvements to infrastructure and other facilities that enhance the people's quality of life.

Why Africa Needs a Unitary PCRDR Organ

The previous section highlighted how the lack of an organ dedicated to post-conflict reconstruction amongst the pillars of the APSA constitutes a major weakness within the AU's institutional framework for peace and security maintenance. Although the 2006 Policy on PCRDR provided for the establishment of three organs, namely a PSC Standing Committee on PCRDR; an AU Commission Inter-departmental Task Force and a Multi-dimensional AU Committee on PCRDR, the damage occasioned by the initial omission to pay attention to the organization's capacity for post-conflict reconstruction was already done.²⁰ Because the PSC, ASF, CEWS, PoW and Peace Fund were identified as pillars of the AU's system, a remarkable (by AU standards) level of seriousness was directed towards their operationalization. By implication, placing an organ dedicated to PCRDR on this list would have had the concomitant effect of speeding up its operationalization. What is more, such an organ would have attracted as much academic attention as the five pillars of the APSA and this would have raised its prominence and enhanced its capacity to deliver on its mandate. The result of this omission is that the AU has a severely constrained PCRDR department under the portfolio of the Peace and Security Commissioner. This department has no more than one expert and lacks financial/technical resources. Consequently, the interest its activities have attracted has been minimal compared to those of the Peace Support Operations Division. As noted above, this lack of capacity has also proved an obstacle even when donors have demonstrated an interest in funding the AU's PCRDR programs.²¹

The importance of undertaking meaningful PCRDR programs cannot be overstated. Although the will of main parties in a conflict to facilitate its resolution is critical, sound post-conflict reconstruction strategies are decisive in breaking cycles of violence where peace deals are perceived as nothing more than a window of opportunity for adversaries to bolster their armouries and prepare for the next round of violence. In light of this, the AU

must establish and operationalise a unitary standing organ dedicated to its PCRD programs. This recommendation is premised on the finding that even if the organs envisaged by the PCRD Policy Framework are created, they will not cure the current deficiency in its entirety.

The mandates assigned to the AU Commission Inter-departmental Task Force and the Multi-dimensional AU Committee on PCRD indicate an unnecessary division of tasks. While the former is mandated to effectively coordinate PCRD activities of the Commission, AU liaison and regional offices, as well as specialised agencies of the AU, the latter's mandate includes interacting with international actors such as the UN Peace-building Commission on a regular basis to ensure that Africa's vision and priorities are reflected in these structures. One struggles to comprehend the rationale behind this decision. Because the AU is beset by financial and operational challenges, assigning these tasks to a single organ will no doubt go a long way in saving resources and ensuring functional efficiency. On a practical level, it would be ideal for the organ entrusted with coordinating the AU's PCRD programs to also engage with other international agencies as this ensures that representations on what African states require in post-war situations are made by those with first-hand knowledge of the AU's PCRD programs and how these may be improved. Similarly, by placing upon the PSC Standing Committee on PCRD the responsibility to monitor the activities of all actors as well as to review the state of reconstruction on the continent, the PCRD Policy Framework introduced yet another unnecessary division of mandate. As a political body, perhaps the only fitting function for the Standing Committee is providing political support to affected countries as well as country-specific PCRD ministerial committees.

Of the organs envisaged in paragraph 54 of the PCRD Policy Framework, it would be prudent for the AU to consider establishing only a single organ, a hybrid of the AU Commission Inter-departmental Task Force and the Multi-dimensional AU Committee on PCRD. This might be named an AU PCRD Taskforce. With such an organ in place, the AU must further transfer all PCRD related programs to it, and these include the organization's Security Sector Reform (SSR) program and the Disarmament Demobilization and Re-integration (DDR) program currently hosted by the Defense and Security Division. The need to bring all PCRD programs under "one roof" is based on the finding that the culture of communication and cooperation between the AU's various organs is weak. As the High Level Panel of the Audit of the AU reported in 2007, the organization is characterized by a culture of compartmentalization, or "silo mentalities."²² The tendency not to communicate across departmental borders or divisions is high.²³ This concern was reiterated seven years later, in June 2014, during the PSC Open Session on "Enhancing AU efforts in implementing post-conflict reconstruction and development in Africa."²⁴ There is currently no evidence which suggests that these limitations have been addressed. Because post-conflict reconstruction involves multi-dimensional programs, adopting a "one-stop-shop" for major PCRD programs will still not take away the need for collaboration across divisions. However, it will go a long way in enhancing the stature of the new organ, which eventually will translate into meaningful PCRD programs. The AU has been accused of undertaking PCRD programs, "in a piecemeal manner, rather than as part of a well-funded, holistic or comprehensive and sustained program to complement ongoing peace-building activities by other key international partners" and this is no doubt partly as a result of the wide distribution of PCRD functions across various organs.²⁵ That even members of the PSC have attributed the trend of countries relapsing into conflict to the inadequate attention given to

the PSC's PCRD mandate corroborates the argument that the *status quo* makes it difficult for the organization to implement results-based PCRD programs.²⁶

Hussien bemoaned what he termed a culture of ad-hocism in the practices of the APSA and African peace operations.²⁷ He observed in the context of the Darfur crisis that the establishment of an ad hoc system with functionally separate bodies—the Darfur Integrated Task Force (DITF) and the AU High-Level Panel on Darfur (AUPD)—was not in the interest of the long-term institutional development of the overall APSA.²⁸ He argued, correctly so, that this ad-hocism robs the continental body of an organ with an ever deepening institutional memory in PCRD strategies. Clearly, the AU needs an organ that will develop expertise and produce knowledge on how best the organization can make post-conflict reconstruction an effective tool for ending conflicts. In relation to knowledge production, the AU must speed up the establishment of the AU Centre for PCRD (AUC-PCRD) which must be made an integral part of the PCRD Taskforce.²⁹ As a centre dedicated to research, outreach, training, and capacity-building, the AUC-PCRD will go a long way in ensuring a constant analysis of post-conflict strategies as well as drawing lessons from past mistakes and failures.³⁰ However, the importance of placing all PCRD programs under “one roof” lies in the need to retain expertise. In 2009, the AU dispatched a multi-disciplinary team of experts to Liberia and Sierra Leone tasked with making concrete recommendations on the nature of assistance to be extended to these two states. Notably, the team included experts from Ghana and Nigeria, and representatives from ECOWAS, the AfDB, UNECA, and NEPAD.³¹ Although this demonstrated the seriousness with which the AU was dealing with reconstruction programs in these countries, it also exposed the need to ensure the development and retention of expertise within the organization's PCRD organ. Undertaking fact-finding missions in conjunction with relevant institutions such as the AfDB must indeed be encouraged, however, AU PCRD organs must be well-represented as it is through such experiences that the organization can in the long term boast of highly experienced individuals. In this regard, the AU Commission's efforts towards the creation of a database of African experts on PCRD is a welcome development.

Establishing a Unitary PCRD Unit: Enabling Factors

This section outlines enabling factors vis-à-vis the AU and the recommendation for the establishment of a unitary AU PCRD organ. The arguments below speculate on how the continental organization would and should respond to the proposal. Largely normative in nature, these factors are drawn from the AU's historical evolution as well as its present reality.

Firstly, the AU desperately needs effective institutions and organs to pursue and fulfill its stated objectives. This need is reflected in the organization's constant appraisal of its institutions and normative frameworks. Five years after its inauguration, the AU commissioned a High Level Panel of the Audit of the African Union to undertake an in-depth review and assessment of its structures with the objective of making, “recommendations to strengthen the efficiency and effectiveness of current institutions as well as accelerate continental integration.”³² In the context of peace and security, the 2010 Assessment Study of the APSA sought to report on the progress made in the operationalization of the five pillars of the AU's peace and security framework.³³ More importantly, by setting out to identify the gaps, needs and priorities within the framework, the Assessment Study understood the timely operationalization of an effective APSA as the

focus of its recommendations. A conclusion that these systematic examinations and self-assessments sought to drive the AU as a whole, and the APSA in particular, towards effectiveness cannot be refuted. This argument gains credence when one looks at the AU Constitutive Act which records Member States' determination, "to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them [to] discharge their respective mandates effectively."³⁴ The question of effectiveness also speaks directly to the call for "African solutions to African problems." In the absence of an effective PCRD organ within the AU's framework, in the context of post-conflict reconstruction this call will remain an idea on paper.

Secondly, the AU's collective security normative framework affirms the entrenchment of peace and security norms within the organization. Because post-conflict reconstruction aims to entrench both positive and negative peace, the AU requires institutional changes and must indeed be receptive to recommendations and proposals. In the second edition of their work, Makinda and Okomu pose the following questions: how does the AU and its member states view security? How do their definitions of security relate to identity and the concept of African solutions to African problems? How is peace building understood in Africa?³⁵ Giving credit to the AU, they go on to note that there has been significant normative changes in the organization's understanding of security, and above all, peace and security considerations now enjoy primacy.³⁶ Indeed, at its inception in 1963, the AU's predecessor, the Organization of African Unity predictably focused on decolonization and as a result, norms pertaining to the sanctity of borders and territorial sovereignty reigned supreme. The adoption of the AU Constitutive Act in 2000 and the subsequent establishment of the AU two years later brought seismic normative shifts as the new organization underscored the value of peace, security, human rights and democratic governance. Indeed, the establishment of the APSA is in itself a loud statement on the place of peace and security considerations on the AU's agenda. It follows therefore that the prominence of the peace and security narrative within the broader AU framework acts as an enabling factor to the establishment of a unitary PCRD organ because by their very nature, post-conflict reconstruction and development programs are fundamentally peace and security missions.

Peace and security provisions in the Constitutive Act, the Common African Defence and Security Policy (CADSP) and the AU Non-Aggression and Common Defence Pact highlight the AU's obsession with achieving a peaceful continent (at least on paper). Beyond legal instruments, there is evidence to support a conclusion that in practice, peace and security have become the AU's pre-occupation. According to Moolakkattu, "no other regional organization has the peace matrix [as] high on its agenda as the AU."³⁷ After noting the remarkably high number of PSC meetings compared to other organs, the 2010 APSA Assessment Study concluded that although this indicates the fragility of the security situation in Africa, it also demonstrates the growing commitment of the organization to tackle conflicts.³⁸ Because of the central role the UN Security Council plays in peace enforcement, the AU, pursuant to the growing peace and security narrative within its corridors has also been calling for the reform of the Council to reflect the geopolitics of the UN's membership as well as to enhance the stature of African states.³⁹ Ultimately, this desire for peace and security dividends on the continent is captured in the aspirations reflected in the "Agenda 2063 Framework."⁴⁰ Conceived on the occasion of the golden jubilee of the OAU, this framework, in a forward looking stance, declares that: "by 2063, Africa will be

characterised as a continent of democratic values and practices, which are entrenched in the political culture and in law, as provided for in the African Governance Architecture.”⁴¹

The third enabling factor, which is closely related, is the growing human security paradigm within the AU’s approach to conflict prevention and regional integration. At the heart of this paradigm shift is the CADSP’s conception of security, particularly its recognition that: “the causes of intra-state conflict necessitate a new emphasis on human security, based not only on political values but on social and economic imperatives as well.”⁴² Also worth noting is the Declaration’s acknowledgement of the: “fundamental link and symbiotic relationship that exists between security, stability, human security, development and cooperation, in a manner that allows each to reinforce the other.”⁴³ By referring to human security, the CADSP highlighted the centrality of the individual in the AU’s quest to rid the continent of violence, at least in theory. A survey of the organization’s various legal instruments and institutions makes it clear that indeed, a human security understanding of peace and stability has taken root. Writing a year after the AU’s inauguration, Strydom noted, correctly so, that: “If one considers the objectives for which the PSC has been established, the general impression is that the architects of the Council had in mind a role which goes beyond security issues *strictu sensu*” in other words, human security.⁴⁴

At a basic level, the notion of human security calls for the identification of “fears” and “wants” and the subsequent adoption of measures that eliminate “fears” while creating an environment which enables “wants” to be obtained.⁴⁵ In essence, the notion enjoins “positive peace” and “negative peace” as it posits that the state can only ensure its security through delivering political goods to its citizens.⁴⁶ The entrenchment of the human security paradigm within the AU’s peace and security framework acts as an enabling factor because the proposed AU PCRDR Taskforce will have as its primary objective the delivery of peace dividends after the cessation of hostilities. The contemporary challenges that the AU faces are largely human security issues and this is more so in post-conflict countries. In redefining itself to meet these challenges, the AU needs a PCRDR organ that will deliver on the objectives of the 2006 PCRDR Framework.

Finally, a unitary PCRDR organ is necessary simply to prevent or mitigate the unnecessary proliferation of institutions. Heyns et al. argue that Africa boasts of a plethora of intergovernmental organizations, a phenomenon which presents dangers of diffused focus.⁴⁷ As a result, “there is a need to consider how to address the problem of institutional proliferation as a matter of urgency.”⁴⁸ As argued above, the Inter-departmental task force and the Multi-dimensional Committee are envisaged to serve functions that can be consolidated under a single organ. Consequently, a unitary PCRDR organ will not assume any new responsibilities, but will simply take up various mandates currently spread across a number of AU departments and organs. Financial and capacity constraints also make such a move appealing.⁴⁹ These, and other factors are outlined below in a detailed discussion of challenges that would confront the establishment and operationalisation of the proposed unitary PCRDR organ

Challenges to the Establishment and Operationalization of a Unitary PCRDR Taskforce

The first and obvious challenge to the possible establishment and operationalisation of a unitary PCRDR organ is funding. The AU’s financial woes are common knowledge and there is no evidence to suggest that the organization will soon move past this paralysing reality.

Writing in the context of peacekeeping, Neethling noted that: “in the past years, the extent of African peacekeeping was not limited by political will or the availability of troops, but rather by insufficient funding.”⁵⁰ More than ten years later, the AU still cannot raise enough money to finance its programs. The organization’s 2019 budget places its financial predicament into context. From its total budget of US\$681,485,337 only US\$280,045,761 was assessed to member states, while the remaining US\$401,439,576 was to be secured from international partners.⁵¹ However, even this sad reality only tells half the story. The other half, which strikes at the heart of the AU’s capacity, is that of the total budget, only US\$273,269,140 and US\$249,757,079 was allocated to peace support operations and programs respectively, while US\$158,459,118 was set aside as the organization’s operating budget.⁵²

As noted above, only one of the three organs envisaged in the 2006 PCRDR Policy Framework has since been established and one can safely draw an inference that this is, amongst other factors, due to lack of funding. Setting up a new organ is no doubt an expensive exercise. While the AU may in principle be amenable to the establishment of a unitary PCRDR organ, its lack of financial muscle may dampen the zeal to adopt a decision authorising its establishment. The status quo suggests that in the event that a decision to establish this organ is adopted, the current inadequacies that characterise the PCRDR Unit will simply be transferred to it, complete with its skeleton staff and chronic underfunding.

Without experts, the new organ will struggle to make a difference and this will in turn damage its reputation and reduce its significance within the broader AU peace and security framework. Commenting on the current PCRDR Unit, Lucey and Gida observe that it “lacks human, financial and technical resources and its activities have not generated nearly as much interest as peace support activities.”⁵³ They add that what is even more worrying is the fact that “even when funders have demonstrated an interest in promoting PCRDR at the AU, they have been limited by the unit’s lack of capacity” as there is only one permanent staff member and two temporary positions paid for by donors.⁵⁴ While the lack of resources does indeed affect the number of experts that the AU can employ, it must also not be overlooked that beyond the numbers, financial constraints also affect the quality of experts that the organization can attract.

So assuming that a unitary PCRDR organ is established, there is no doubt that it will struggle to finance its programs. This is because PCRDR programs are costly endeavours as they aim to provide tangible human needs and wants (human security), goals that require significant budgets to achieve. The quick impact projects referred to above call for considerable amounts of money so as to produce visible results. Post-establishment, a unitary PCRDR organ will still face massive challenges because its success will not be measured by how many brainstorming meetings and seminars it has conducted, but rather, by how much visible impact it has in post-conflict societies.

The issue of funding goes to the heart of what the AU has set out to achieve. To sceptics and pessimists, the organization has bitten off more than it can chew. Five years into the AU’s existence, Sesay asked, in a rather bewildered tone, if “the financial fortunes of Member States of the AU [are] now substantially better than they were in the days of the OAU to warrant such [a] proliferation of bureaucratic establishments?”⁵⁵ This question was, and still is relevant to the AU’s capacity to fulfil its mandates. To stand on its own feet, the AU needs funding which is sustainable, long-term and predictable. In the absence of such

financial backing, its programs will continue to be funded by outsiders, thereby raising questions of ownership.

Questions of ownership constitute the second challenge to the operationalisation of the proposed unitary PCRCD organ. According to Makinda and Okomu, African ownership entails “defining, redefining, and refining the peace and security agenda.”⁵⁶ In other words, the peace agenda must be driven by Africans themselves. For Franke and Gänzle, in engaging the question of ownership, a distinction must be drawn between “African ownership” and “Africanization.”⁵⁷ They define ownership as: “the de facto political control over an issue” and Africanization as a “process of increasing the extent and quality of African participation in a particular activity or field.”⁵⁸ In their view, the two must not be used interchangeably as they refer to very different ideas hence beyond semantics, “their confusion bears great epistemological and practical dangers.”⁵⁹

Having defined what ownership entails, Makinda and Okomu go on to argue that there is no evidence which suggests that the AU has indeed taken ownership of the peace agenda on the continent.⁶⁰ They add that, if anything, the conceptualisation of the APSA has slipped from the AU’s grip and has been reconceptualised by external partners who are paying for its operationalisation.⁶¹ Similarly, Franke and Gänzle observe that contrary to the principle of “African solutions to African problems” which was the driving rationale behind the creation of the APSA, “it is non-African actors that are leading conflict resolution efforts across the continent.”⁶² They conclude that if the status quo is any indication of where the continent is headed, it is highly unlikely that the AU will be able to achieve the desired primacy in security affairs in the foreseeable future.⁶³

Based on these observations, there is overwhelming evidence to suggest that if established, the proposed organ will largely be funded by external partners. Once this is the case, the AU will not be in a position to claim total ownership of its programs. What this means in practice, is that in its operations, the organ will be forced to design its activities to the satisfaction of whoever is funding it. Writing in the context of EU funding, Omorogbe noted that the terms of EU funding have an effect on the AU’s autonomy and decision-making.⁶⁴ She adds that this is unavoidable because all funds extended to the AU are released subject to prior EU Commission and EU Political and Security Committee validation and these organs ensure that certain EU values are reflected in whatever programs the AU subsequently undertakes.⁶⁵ To say “ownership vests in the funder” does not sound off the mark. This seems to be the AU’s everyday reality. Writing in the context of the Darfur conflict in Sudan, Gelot notes that when asked about the organization’s personalisation of the crisis, an AU Commissioner remarked that: “it is curious how many African member states want to own the Darfur process, yet contributions have been literally nothing.”⁶⁶ That a Commissioner of the organization found it necessary to attribute ownership to funding is evidence that even within the AU’s corridors, preferential audience (and control) is granted to those funding its programs.

The question of ownership is very critical to post-conflict reconstruction and development. Because of the legacy of colonialism, most African countries are suspicious of any program perceived to be driven by partners suspected of seeking to exert their influence over the country under reconstruction. These are likely to be resisted. For this reason, the 2006 PCRCD Framework lists African leadership as one of the core principles upon which it is predicated.⁶⁷ It explains that African leadership means that implementation oversight remains with African governments and that other partners in reconstruction must respect

this leadership.⁶⁸ To justify this position, the Framework adds that in reality, PCRDR is, “first and foremost a political rather than a technical process.”⁶⁹ Ownership also speaks to the question of strategic leadership. Defined as “the ability to provide clear vision, inspiration, and effective strategies for mobilising human, financial, and social resources,” strategic leadership is key to the success of all AU initiatives.⁷⁰ In the context of a unitary PCRDR organ, this means the ability, by the AU, to ensure the implementation of the 2006 PCRDR Policy Framework as well as the desire to constantly search for PCRDR strategies that consolidate peace.

Although the AU’s reliance on external funding presents a challenge of ownership, this only constitutes half the problem. The other half is the ownership of PCRDR programs between the AU and countries or communities under reconstruction. In addition to African leadership, the 2006 PCRDR Framework also lists national and local ownership, inclusiveness, equity, and non-discrimination as core principles.⁷¹ The rationale behind the recognition of national and local ownership is simple. Because PCRDR programs seek to respond to specific needs, these can only be accurately identified through engaging the people concerned. Mutua posits that because socio-economic concerns are often the root causes of conflicts, involving the affected communities goes a long way in tailor-making PCRDR activities that are aligned to local needs.⁷² To succeed, the unitary PCRDR organ will have to view people and other stakeholders as partners and not consumers. A top-down approach to PCRDR programs will not only alienate an important constituency, but will also rob the process of valuable input and insight into the specifics of the community under reconstruction.

Addressing the second ordinary session of the AU Assembly in 2003, South African president Thabo Mbeki challenged his colleagues regarding the delay in the establishment of the Economic, Social and Cultural Council (ECOSOCC).⁷³ He cautioned that this was undesirable as concerns had been raised that in the process leading to the establishment of the Union, ordinary people had been alienated. In his view, therefore, the ECOSOCC would ensure the urgent involvement of civil society organizations and professional bodies in the processes of the AU.⁷⁴ More than fifteen years later, the lack of participatory processes within the AU still persists. For example, in its 2016-2020 Strategic Plan, the African Peer Review Mechanism (APRM) noted that “a major criticism frequently expressed by civil society players from business, labour, academia, media and NGOs has been the lack of ownership of the APRM by African citizens.”⁷⁵ There is no doubt that if established, the proposed PCRDR organ will not escape this reality.

If established, a unitary PCRDR organ will also be confronted by sustainability challenges. Just like the other potential challenges discussed above, the issue of sustainability is a corollary of the AU’s heavy reliance on external funding. The 2010 APSA Assessment Study noted that “the issue of sustainability featured prominently at the AU Commission and RECs/RMs, primarily on account of the fact that the operationalisation of the APSA has been largely dependent on partner support.”⁷⁶ With specific reference to the PSC, it noted that the four professional staff at the organ’s secretariat at the time had all been hired through partner support.⁷⁷ If a unitary PCRDR organ is established, there will be a need for adequate expert staff and there is overwhelming evidence to suggest that this demand will be satisfied through donor support. If that happens, questions will be raised as to how long that arrangement can be sustained. That its heavy reliance on external funding brings a general sense of discomfort within the AU’s corridors does not come as a surprise. As the 2010 APSA Assessment Study found, “it is not clear how long partners will be willing to

support these programs and even in those situations where they are providing support, some of it is not predictable.”⁷⁸ If established, this is the reality that the unitary PCRDR organ will be born into.

However, one hopes that the organ would benefit from initiatives such as the African Solidarity Initiative (ASI).⁷⁹ Launched in 2012 under the theme “Africa helping Africa,” the ASI aims to promote intra-African solutions as well as to encourage African countries to offer assistance to states emerging from violent conflict.⁸⁰ More importantly, despite encouraging financial assistance, its Declaration underscores the value of in-kind assistance and encourages African states to assist one another in whatever form, including technical expertise as well as capacity-building.⁸¹ If successful, such initiatives will go a long way in helping post-conflict countries extricate themselves from cycles of violence and underdevelopment.

Lastly, the establishment of a unitary PCRDR organ would be hampered by the general lack of a political will within the AU. In a paper on humanitarian intervention and the responsibility to protect in Africa, Sarkin concludes that “While the AU has crafted a regime to confront its numerous human rights problems, it will be years before it achieves its goals of delivering security to the millions of Africans engulfed in conflict and daily human rights abuse.”⁸² This conclusion is a common feature of countless studies on the AU and its peace and security framework. Although the lack of funding alongside operational challenges are some of the reasons for such a finding, the organization’s lack of a political will in situations that call for political leadership (strategic leadership) constitutes the primary criticism. First and foremost, this lack of a political will manifests itself in politically charged situations where the AU fails to execute its peace and security mandate as outlined in the Constitutive Act. Three examples stand out in this regard, the Darfur crisis being the first and most obvious of these. The AU’s failure to look beyond peacekeeping in the face of a possible genocide attracted scathing criticism, with scholars and commentators accusing the organization of actively shielding the Al Bashir government from accountability. Second is the Libyan civil war leading up to the 2011 capture and extra-judicial killing of Muammar Gaddafi. Last is the AU Assembly’s vote in January 2016 to suspend the PSC’s decision to send troops into Burundi following the outbreak of violence in that country.

As noted above, the 2006 PCRDR Policy Framework provided for the creation of three PCRDR organs, yet it took close to ten years for the AU to establish only one of these organs. In the absence of a political will to bring all three organs to life, the AU’s capacity to implement the Framework will remain weak. While funding and technical support can be sourced from external partners, political leadership can only be provided by the AU Assembly as “the supreme organ of the Union.”⁸³ It must also be noted in this regard that post-establishment/operationalisation, a unitary PCRDR organ will continue to require political support for it to remain relevant.

Conclusion

The establishment of the APSA strengthened the AU’s capacity in relation to peace and security maintenance on the continent. However, the lack of an organ dedicated to post-conflict reconstruction and development on the list of organs that form the backbone of the APSA weakens this framework. If an organ dedicated to PCRDR had been established alongside the PSC and the Standby Force, it would have received widespread attention from within the AU as well as from academics and civil society, a factor that has contributed

immensely to the stature of the five pillars of the APSA. Although this omission cannot be undone, however the AU can still mitigate the damage by establishing a new organ altogether. Through this unitary PCRD organ, the organization can consolidate the mandates assigned to the three organs provided for in the 2006 PCRD Policy Framework. This consolidation will enable the organization to breathe new life into its PCRD activities while at the same time demonstrating a renewed commitment to its comprehensive peace and security mandate as outlined in the Constitutive Act. Implementing this recommendation will no doubt be fraught with challenges, most notably the lack of funding, the lack of a political will as well as questions of ownership. However, there is unanimity, even within the corridors of power at the AU, that the phenomenon of countries relapsing into conflict can be attributed to the lack of comprehensive PCRD activities by the organization. This is an indictment on the status quo, one which justifies arguments for an alternative.

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Notes

1 PSC Protocol, art. 2(1); art. 11; art. 12; art. 13; and art. 21.

2 AU PCRDR Framework, para. 54(b)(i), (ii) and (iii).

3 PSC Protocol, art. 3(c) and art. 6(c).

4 PSC Protocol, art. 2 (1).

5 PSC Protocol, art. 6 (a), (b), (c), and (d).

6 PSC Protocol, art. 2 (2).

7 See for example Lucey and Gida 2014; Hussien 2012.

8 AU PCRDR Framework, para. 54(b)(iv).

9 Hussien, p. 10.

10 AU PCRDR Framework, para. 54(b)(ii).

11 AU PCRDR Framework, para. 54(b)(i).

12 AU PCRDR Framework, para. 54(b)(iii).

13 Lucey and Gida, p. 9.

14 See the AU website for more on this initiative. <https://au.int/>

15 AU website <https://au.int/>.

16 AU website <https://au.int/>.

17 First Progress Report of the Chairperson of the Commission on AU's efforts on PCRDR, para 6.

18 Nii Nortey Addo, p. 101.

19 Nii Nortey Addo, p. 101.

20 AU Policy Framework on PCRDR, paras. 54 (b) (i), (ii) and (iii).

21 Lucey and Gida, p. 9.

22 The High Level Panel of the Audit of the African Union (2007), para. 36.

23 The High Level Panel of the Audit of the African Union (2007), para. 123. See also on this point Körner and Gebrehiwot, pp. 195–208.

24 ISS "Spotlight on Post-conflict Reconstruction and Development in Africa."

25 Nii Nortey Addo, p. 102.

26 Institute for Security Studies.

- 27 Hussien, p. 10.
- 28 Hussien, p. 7.
- 29 Report of the Commission on the Establishment of an African Union Centre for Post Conflict Reconstruction and Development EX.CL/711(XX) (2012).
- 30 Report of the Commission on the Establishment of an African Union Centre for Post Conflict Reconstruction and Development EX.CL/711(XX) (2012), p. 4 para. 12.
- 31 Nii Nortey Addo, pp. 98-99.
- 32 Report of The High Level Pane of the Audit of the African Union, para. 36.
- 33 See the APSA 2010 Assessment Study.
- 34 AU Constitutive Act, preamble para. 10.
- 35 Makinda and Okomu, Chapter 4.
- 36 Makinda and Okomu, Chapter 4.
- 37 Moolakkattu, p. 151.
- 38 APSA 2010 Assessment Study, p. 26 para. 67.
- 39 See The Common African Position on the Proposed Reform of the United Nations.
- 40 See the African Union Agenda 2063 Framework Document.
- 41 African Union Agenda 2063 Framework Document, p. 12.
- 42 See the AU CADSP Framework, para.6. it notes that “this newer, multi-dimensional notion of security thus embraces such issues as human rights; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalisation on the basis of gender; protection against natural disasters, as well as ecological and environmental degradation.”
- 43 AU CADSP Framework, para. 12 (iii).
- 44 Strydom, p. 62.
- 45 See generally Alkire 2003.
- 46 Negative peace is “the absence of direct and organised violence between human groups or nations.” Positive peace on the other hand encapsulates a long term plan of establishing sustainable peace through creating an environment that enables warring parties to work together while at the same time addressing the root causes of the conflict. (Lachenmann and Rudiger 2017, p. 951).
- 47 Heyns et al. p. 279.
- 48 Heyns et al. p. 279.
- 49 Heyns et al. p. 279.
- 50 Neethling, p. 15.
- 51 African Union Handbook, p. 204.
- 52 African Union Handbook, p. 204.
- 53 Lucey and Gida, p. 9.
- 54 Lucey and Gida, p. 9.
- 55 Sesay, p. 21.
- 56 Makinda and Okomu, Chapter 4.
- 57 Franke and Gänzle, p. 90.
- 58 Franke and Gänzle, p. 90.
- 59 Franke and Gänzle, p. 90.
- 60 Makinda and Okomu, Chapter 4.

- 61 Makinda and Okomu, Chapter 4.
- 62 Franke and Gänzle, p. 90.
- 63 Franke and Gänzle, p. 90.
- 64 Omorogbe, p. 43.
- 65 See European Union Council Regulation 617/2007 on the 10th European Development Fund under the ACP-EC Partnership Agreement [2007], OJ L152/1 art. 12.
- 66 Quoted in Gelot, p. 87.
- 67 AU Policy on Post-Conflict Reconstruction and Development (PCRD), adopted by the 7th Ordinary Session of the AU Executive Council, in Banjul, The Gambia, July 2006. See para.15.
- 68 AU Policy on Post-Conflict Reconstruction and Development (PCRD) para.16.
- 69 AU Policy on Post-Conflict Reconstruction and Development (PCRD). National and local ownership is critical to ensure that PCRD activities are aligned to local needs, while inclusiveness, equity and non-discrimination is important to guard against exclusion and unfair distribution of power, factors that are amongst the root causes of armed violence. Cooperation and coherence ensures that all the actors involved focus on the single goal of responding to the needs and priorities of affected people. Finally, capacity building simply aims at ensuring self-sufficiency. See paras 16-20.
- 70 Makinda and Okomu, Chapter 4.
- 71 AU Policy on Post-Conflict Reconstruction and Development (PCRD), adopted by the 7th Ordinary Session of the AU Executive Council, in Banjul, The Gambia, July 2006. See para.15.
- 72 Mutua 2011, p. 37.
- 73 Opening statement by H.E. President Thabo Mbeki, outgoing chairperson of the African Union at the 2nd ordinary session of the Assembly of Heads of State and Government, 10 July 2003, Maputo, Mozambique.
- 74 Opening statement by H.E. President Thabo Mbeki, outgoing chairperson of the African Union at the 2nd ordinary session of the Assembly of Heads of State and Government, 10 July 2003, Maputo, Mozambique.
- 75 African Peer Review Mechanism's Strategic Plan 2016–2020, p. 40.
- 76 APSA 2010 Assessment Study, para. 6.
- 77 APSA 2010 Assessment Study, para. 78.
- 78 APSA 2010 Assessment Study, para. 193.
- 79 See the AU Press release, "Africa helping Africa."
- 80 "Africa Helping Africa" Declaration on the Launch of the African Solidarity Initiative (ASI) for the Mobilization of Support for Post-Conflict Reconstruction and Development in Africa, adopted by the 19th Ordinary Session of the Assembly of Heads of State and Government, Addis Ababa, Ethiopia, July 2012. Para 6.
- 81 Ibid. para. 7.
- 82 Sarkin, p. 32.
- 83 AU Constitutive Act, art. 6(2).

