# The role and place of the African Standby Force within the African Peace and Security Architecture

## INTRODUCTION

In the post-Cold War era, the peace and security scene of Africa has changed fundamentally. This change relates not only to the changing nature of conflicts and the focus of the discourse on security, but also to various initiatives taken by Africa to institute an effective peace and security regime. In this context a remarkable development has been the establishment of an African Peace and Security Architecture (APSA) by the continental body, the African Union (AU). One of the most important - and probably the most ambitious - institutional tools that the AU decided to establish as part of the APSA is the African Standby Force (ASF).[1] The ASF is intended to be one of the mechanisms through which the AU seeks to respond to future conflicts and crisis situations on the continent 'timely and efficiently'.[2]

This paper seeks to highlight the importance and place of the ASF within the APSA and critically examines the potential of the ASF and the challenges facing it as one of the most important mechanisms for the AU's strategic response to conflicts. It is argued that as much as the activities aimed at operationalising the ASF prepare the ASF for its role as the most important tool for realising the historical promises of the AU to ordinary Africans as encapsulated, among others, by Article 4(h) of the Constitutive Act of the African Union, they also reveal the enormous challenges that would militate against the realisation of its full potential.

### Organisation

The paper is divided into seven parts. The introduction is followed by a brief outline of the nature of current and future conflicts and security threats with which the continent needs to contend, among others by the deployment of the ASF. The next section analyses the normative and institutional framework within which the ASF is being instituted and will operate. This is followed by an examination of the role and place of the ASF within the APSA. The paper then focuses on an examination of the ASF concept and plan and the work currently under way for its operationalisation to interrogate the potential and limitations of the ASF. The requirements for the successful operationalisation of the ASF and the issues that pose a serious challenge for the ASF's role as a critical tool in AU's endeavour of conflict prevention and management are considered in the following section. The paper closes with some conclusions and observations.

### Method and scope

The study is both descriptive and analytical in its approach. Accordingly, in the main body of the paper an overview is given of the normative and institutional framework of the APSA. The paper also contains a critical analysis of the role, proposed plan and concept of the ASF and examines shortcomings and challenges that would limit the potential of the ASF as one of AU's critical response mechanisms for conflict prevention, management and resolution in Africa.

The study made use of both primary and secondary sources and draws heavily on official documents such as treaties, declarations and policy instruments. This is supplemented by information gathered through personal observation and involvement in AU events relevant to the subject. While the study used the available literature on the subject in the form of books, articles and reports, it seeks to make a limited but significant contribution to the existing literature by offering information on and insights into the APSA.

## THE TRENDS AND NATURE OF CONFLICTS IN AFRICA

Although the number of conflicts on the continent has declined compared to the 1990s,[3] the post-colonial

African state continues to be prone to violent clashes, which often results in complex emergency situations. During the past decade, many countries - the Democratic Republic of Congo (DRC), Liberia, Central African Republic, Uganda, Burundi, Sierra Leone, Sudan, Somalia, Angola, Mali, Niger, Guinea-Bissau, Senegal, Congo Brazzaville and the Comoros - have been subjected to long-standing conflicts and new violent conflicts erupted in many others (including Côte d'Ivoire, Sudan (Darfur), Chad, Nigeria, and Kenya). As Richard Jackson noted, '[m]any other African states face instability, high levels of domestic political violence, or burgeoning secessionist or rebel movements'.[4]

In the 21st century conflicts, particularly of the internal kind,[5] continue to pose as serious a threat as disease and drought to the life, security and property of people and the survival of the post-colonial African state.[6] There are several factors that suggest that Africa will continue to witness violent conflicts and serious political upheavals. The first is the continued fragility or weakness of many states in Africa.[7] This relates to the illegitimate origin of the African state, its corrupt and authoritarian systems of governance, the alienation of state structures and processes from the public, and the failure of state institutions to provide for the needs of citizens in any meaningful way.[8] Other, related factors are the failure of the consolidation of democratic forms of governance in many parts of Africa and the decline of constitutionalism.[9] Related to these two is the rise of political instability in many countries, as manifested in post-election conflicts in countries such as Kenya,[10] Zimbabwe,[11] Nigeria,[12] Lesotho[13] and Ethiopia.[14]

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The persistent high level of poverty and the rise in the susceptibility of many parts of Africa to drought as a result of climate change add to the vulnerability of many African states to conflict.[15] Other factors that shape the trend and dynamics of conflicts in Africa include struggles over scarce resources and the exploitation of natural resources, inequalities among members of different groups and regions, ethnic domination as well as ethnic or ethno-regional rivalry and manipulation, uneven progress in economic development, and

involvement of external actors either from within the region or outside.

Most of these conflicts are and will continue to be intra-state conflicts, albeit with admittedly significant regional dimensions. These conflicts have certain features that have to be considered when striving to develop an effective response. One of the characteristics of these conflicts in Africa is their persistence. Another characteristic is the multiplicity of actors involved in these conflicts. According to Jackson, 'African wars are characterized by the involvement of a multiplicity and diversity of military and non-military actors'.[16] These include government military groups (formal and informal, internal and external), rebels, insurgents, private militias, warlords, mercenaries, private security providers, multinational corporations, and other business interest groups. Those involved in the actual fighting are 'amply supplied with arms, obsessively secretive, inexperienced in negotiations, lacking transparent lines of authority, undisciplined, unfamiliar with the norms of international behaviour (including humanitarian law) and violent'.[17]

Many of these parties pursue or are mainly motivated by non-political objectives. As studies of several of the conflicts in for example Liberia, Angola, Sierra Leone, the DRC and Somalia show, for many of these participants 'warfare is a smokescreen for the pursuit of accumulation in the form of direct exploitation of valuable commodities such as diamonds, the monopolisation of trade and taxation, the establishment of protection rackets, the diversion of emergency aids or sanctions busting – among others'.[18] These situations are exacerbated by the proliferation of weapons and the resultant militarisation of the population in the affected areas.

The conflicts are also not conducted by means of traditional warfare but employ various unconventional methods of combat, including terror tactics such as deliberate mutilation, terrorism, rape and forcible conscription, which often target civilians, women and children. In a number of these conflicts children have been recruited as combatants.[19] In fact, civilians often become the deliberate targets of warfare and hence suffer more casualties than combatants.[20] Serious violations of human rights and humanitarian law are committed[21] and there is a large-scale displacement of people as refugees try to flee from the violence.[22]

In many of these conflicts, the state machinery has collapsed or is very weak. Governance structures such as the parliamentary process, the security apparatus, the justice system, prison administration and public administration, as well as local structures, are dysfunctional or non-existent. In other cases these conflicts themselves lead to the collapse of state institutions and law and order.

Although it is true that these conflicts are mainly intra-state in nature, they often have an external dimension due to the involvement of regional actors. The three major conflict situations currently occurring in Africa, namely in Darfur, Somalia and the DRC, aptly illustrate how neighbouring states become involved in intra-state conflicts with a resultant spill-over effect on regional stability. This is partly attributable to the security problems arising from the artificial borders of many post-colonial African states. This emphasises that the regional dimensions of conflicts should receive attention as part of an effective process for peacemaking.

> The nature of African conflicts is such that conflict management should involve peace-building and reconstruction activities covering the whole range of political, economic, humanitarian, human rights and security issues that led to and were occasioned by the conflict

Africa will in the short to medium term continue to experience violent conflicts which tend to be complicated and give rise to complex emergency situations. The implication is not just that there is a need for a response mechanism, but rather that the nature and effect of these conflicts necessitate the development of a mechanism that is capable of deploying robust and effective responses to contain and eventually address these situations. This mechanism should also be flexible enough to handle different kinds of situations. If the mechanism is also to be effective in preventing host societies from relapsing back to conflicts, it should not stop short of addressing the factors that triggered the conflict. It needs to engage the underlying political and socio-economic factors. In other words, it should go beyond silencing the guns and also involve peace-building and reconstruction activities covering the whole range of political, economic, humanitarian, human rights and security issues that led to and were occasioned by the conflict. Conflict management in this context should therefore go beyond negotiating a peace agreement between the leaders of the

warring factions and also involve state or nation-building initiatives.

## THE TRANSFORMATION OF THE ORGANISATION OF AFRICAN UNITY INTO THE AFRICAN UNION: TOWARDS A NEW PEACE AND SECURITY REGIME

The transformation of the OAU into the AU was not a change in form or in name only. It actually ushered in substantive normative and institutional changes that were totally unthinkable some years back under the OAU. This is represented on the normative plane by the move away from strict adherence to non-interference to the right of the AU to intervene[23] and by the prominence given to human rights and democracy in the AU Constitutive Act and repeated without fail in almost all of the major instruments it has subsequently adopted.[24] At the institutional level, this transformation most notably saw the emergence of the admittedly ambitious African Peace and Security Architecture (APSA), of which the ASF forms a part.

The decision to establish the AU was taken in 1999. At the fourth extraordinary session of the Assembly of Heads of State and Government of the OAU held in Sirte, Libya, the Assembly adopted a declaration calling for the establishment of the African Union to replace the Organisation of African Unity. The declaration expressly acknowledged that the 'Continental Organization needs to be revitalized in order to be able to play a more active role and continue to be relevant to the needs of our peoples and *responsive to the demands of the prevailing circumstances*'.[25] On the one hand, the huge political, economic and social changes that the world witnessed in the post-Cold War era brought about new challenges with which Africa has to contend. While the OAU system had reached its major objective of the full liberation of Africa, it was operating on the basis of outdated normative frameworks, institutional structures and operational techniques. The OAU had therefore served its time and was due for replacement. Africa created for itself a new outfit in the form of the AU.

This transformation and the resultant normative and institutional changes thus clearly represent Africa's strategic response to the numerous challenges facing the continent, particularly in the form of intra- and inter-state conflicts which continue to pose serious threat to peace and security.

The AU took over from the OAU with the adoption of the Constitutive Act of the African Union.[26] The entry into force of the Act on 26 May 2001 marked the birth of the AU and its inauguration in Durban in 2002 its official launch.

## THE NORMATIVE FRAMEWORK OF THE AFRICAN UNION'S PEACE AND SECURITY REGIME

As noted above, the AU introduced huge normative changes whose reach and impact were not fully appreciated at the time. These changes are most powerfully expressed in the areas of peace and security, human rights and democracy and intervention. Not surprisingly, peace and security constitute the most important items on the agenda of the newly established continental body, the AU. According to the preamble to the Constitutive Act, one of the factors underlying the establishment of the AU was the recognition of 'the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda'.[27] In line with this, the Act provides that one of the objectives of the AU is to 'promote peace, security, and stability on the continent'.

> Article 4(h) not only creates the legal basis for intervention but also imposes an obligation on the AU to intervene to prevent or stop the perpetration of such heinous international crimes anywhere on the continent

Probably the more interesting aspect of the Constitutive Act in this area, and which marks a complete break from the OAU, is the ground-breaking principle of the right of the Union to intervention.[28] The Act stipulates in Article 4(h) that the AU has the right to intervene in a member state 'pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity'. This is a more than mere generic commitment to the promotion of peace and security and encapsulates the resolve of Africa to never let another Rwanda happen again. It not only creates the legal basis for intervention but also imposes an obligation on the AU to intervene to prevent or stop the perpetration of such heinous international crimes anywhere on the continent. As Cilliers and Sturman rightly pointed out, this is one of

the provisions of the Act that form 'the cornerstones of credibility' of the AU.[29]

This provision, together with the emphasis on ending conflicts and promoting peace and security, reverses the primacy that the OAU accorded to the state and its state-centric principles over people and the rights and interests of citizens. Most notably, it revises the understanding and scope of the application of the principles of state sovereignty and non-interference. By narrowing the scope of application of state sovereignty and non-interference, this provision removed the issues covered by these principles from the exclusive domestic jurisdiction of the state and made them matters of continental concern. It settled the controversy about the limits of these principles in cases of grave danger to the lives of citizens of a state. This represents a paradigmatic shift from the OAU's exclusive focus on state security to the security and wellbeing of individuals and peoples, as encapsulated by the concept of human security.[30]

The effect is that principles of sovereignty and non-interference no longer shield states from external scrutiny and even military intervention, not only where they endanger the lives of people on a massive scale but also where they are unable to protect their citizens from such grave threats.[31] Furthermore, it is no longer possible to justify inaction on the part of the new organisation in the face of such threats. In this, the AU Constitutive Act became a pioneer in what has come to be characterised as a 'systemic shift in international law, namely a growing tendency to recognise that the principle of state sovereignty finds its limits in the protection of "human security"'.[32]

The most notable features of the AU Constitutive Act is its emphasis on protecting people from grave circumstances and the promotion of human and peoples' rights as well as democracy and good governance. Underlying the principle of intervention and the focus on peace and security is the overriding concern for the inherent dignity and inalienable worth of the individuals and communities who are the citizens of the member states of the AU. This is reiterated in the Protocol Relating to the Establishment of the Peace and Security Council (PSC Protocol).[33]

Consistent with the paradigmatic shift within the framework of the Constitutive Act from state security to human security, the approach that the PSC Protocol articulates is underpinned by the concern for the wellbeing and security of people. This is expressed first in the recognition of 'the fact that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace

and stability, as well as the prevention of conflicts'.[34] Second, it envisages that one of the objectives of the PSC is to 'promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect the sanctity of human life and humanitarian law'.[35] Among the principles that underpin the PSC Protocol are also (a) early response to contain crisis situations so as to prevent them from developing into full-blown conflicts,[36] (b) respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law,[37] and (c) the right of the AU to intervene in a member state in respect of grave circumstances as defined under Article 4(h) of the Constitutive Act.[38]

The normative basis for the AU's peace and security regime is further elaborated in the Solemn Declaration on a Common African Defence and Security Policy.[39] As a point of departure, the policy identifies human security as an important basis and measure of the continental collective security system. Accordingly, it draws attention to the need to focus on human rights, good governance, democracy and equitable social and economic development. Moreover, the policy rightly identifies as common security threats not only inter-state conflicts/tensions and common external threats, but also intra-state conflicts/tensions. Given the high incidence of intra-state conflicts, such conflicts pose the most serious danger to the peace and security of the continent. The threats identified under this category include:

- The existence of grave circumstances, namely war crimes, genocide and crimes against humanity
- Lack of respect for the sanctity of human life, impunity, political assassination, acts of terrorism and subversion
- Coups d'état and unconstitutional changes of government, as well as situations which prevent and undermine the promotion of democratic institutions and structures, including the absence of the rule of law, equitable social order, population participation and electoral processes
- Improper conduct of electoral processes
- Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms and equitable opportunities for all, including women, children and ethnic minorities
- Poverty and inequitable distribution of natural resources
- Corruption

The Common Security and Defence Policy further outlines a number of principles and values that reiterate and reinforce the peace and security norms of the Constitutive Act. It reaffirms the right of the AU to intervene in a member state in respect of war crimes, genocide and crimes against humanity. Other values include respect for democratic principles, human rights, the rule of law and good governance. In addition, it envisions 'early action for conflict prevention, containment, management, resolution and elimination, including the deployment and sustenance of peacekeeping missions and thus promote initiatives that will preserve and strengthen peace and development in Africa'.[40]

These normative changes should clearly be supported by corresponding institutional developments or changes as well. In other words, alongside these normative developments there is a need for institutional structure/s that will implement these norms, particularly as they relate to peace and security and intervention. The AU Constitutive Act itself does not give enough guidance in this regard. It merely mentions that the AU Assembly shall 'give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace'.[41]

## The institutional dimension

The lack of guidance was rectified with the adoption of the PSC Protocol at the first ordinary session of the AU heads of state and government in Durban, South Africa. It came into force in January 2004 following its ratification by a simple majority of member states of the AU and was launched in May 2004.

This Protocol endowed the AU with a comprehensive peace and security architecture, which has come to be known as the African Union Peace and Security Architecture (APSA). The Peace and Security Council (PSC) is central to the APSA and is 'a standing decision-making organ for the prevention, management and resolution of conflicts' which operates as 'a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'.[42] The mandates accorded to the PSC as stipulated under Article 7 include that the PSC should:

- Anticipate and prevent disputes and conflicts as well as policies that may lead to genocide and crimes against humanity
- Undertake peacemaking and peace-building functions in order to resolve conflicts where they have occurred
- Authorise the mounting and deployment of peace support missions
- Recommend to the Assembly intervention in a member state in respect of grave circumstances as provided for in article 4(h) of the AU Constitutive Act

- Support and facilitate humanitarian action in situations of armed conflicts or major natural disasters

Article 2 of the PSC Protocol also identifies other components of the APSA, which support the PSC in fulfilling its mandates. One of these is the African Standby Force (ASF).

## THE PLACE AND ROLE OF THE AFRICAN STANDBY FORCE WITHIN THE AFRICAN PEACE AND SECURITY ARCHITECTURE

Article 2 of the PSC Protocol defines the components of the APSA that support the works of the PSC. These are the AU Commission, a Panel of the Wise, a Continental Early Warning System (CEWS), an African Standby Force (ASF), and a Special Fund.

The different components of the APSA come into play sequentially in the process for the prevention, management and resolution of conflicts. Initially, the collection and analysis of information at the level of the CEWS triggers the application of the APSA. The CEWS uses the information it has collected mainly from public sources to analyse developments on the continent with a view to alerting the other relevant bodies to developments that require attention.[43] The Chairperson shall then consider the information and analysis to plan appropriate courses of action that the situation demands through the Commission for Peace and Security.[44] S/he uses the information to first timeously advise the PSC on potential conflicts and threats to the peace and security in Africa and recommend the best course of action and second initiate efforts for preventing potential conflicts or for making peace.[45]

It is at the stage where efforts for conflict prevention and peacemaking are deployed that the Panel of the Wise comes into play.[46] The Panel has a peacemaking and advisory role and is also mandated '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'.[47] Specifically, the Panel 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'.[48] In addition, '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'.[49]

Within the framework of the APSA, the ASF comes into action in cases where violent conflicts are about to erupt or have already erupted and/or to intervene in respect of grave circumstances.[50] Under normal circumstances it therefore acts at the end of the chain of the APSA components and processes. However, depending on the conflict situation, it can be deployed alongside other components of the APSA who are assigned peacemaking roles. The system thus has the flexibility to deploy the ASF at any stage of a conflict, including for preventive deployment.

The role or mandate of the ASF is closely linked to the PSC's tasks in the areas of conflict management and resolution. According to Article 13 of the PSC Protocol:

> In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to Articles 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established.

Clearly, the ASF is one of the most critical elements of the APSA that will enable the AU to deliver on its promise of intervention to protect people in grave circumstances and to provide a prompt and robust response to manage and resolve African crises. It enables the PSC first to prevent and manage conflicts, among others by containing their spread or escalation, second to support its peace processes as a peace support mission, and third to enforce its decisions in cases of grave circumstances or to intervene.

As envisaged in the PSC Protocol, the ASF is to be prepared for rapid deployment for a range of peacekeeping operations,[51] including:

- Observation and monitoring missions
- Other types of peace support missions
- Intervention in accordance with Articles 4(h) and (j) of the Constitutive Act
- Preventive deployment in order to prevent a conflict from escalating, or an ongoing conflict from spreading to neighbouring areas or states, or the resurgence of violence after peace agreements are achieved
- Peace-building, including post-conflict disarmament and demobilisation
- Humanitarian assistance in situations of conflict and major natural disasters

The ASF was thus conceived from the outset as a mechanism that will undertake a whole range of modern peacekeeping and peace-building activities. Indeed, it is envisaged that the ASF should be able to respond to a range of conflict scenarios. The Policy Framework for the Establishment of the ASF and the Military Staff Committee[52] identifies six possible conflict and mission scenarios that the ASF is likely to face and will need to respond to (see Table 1).

**Table 1** ASF mission scenarios

| Scenario | Description |
|---|---|
| 1 | AU/regional military advisor to a political mission |
| 2 | AU/regional observer mission co-deployed with UN mission |
| 3 | Stand-alone AU/regional observer mission |
| 4 | AU regional peacekeeping force for Chapter VI and preventive deployment missions |
| 5 | AU peacekeeping force for complex multidimensional peacekeeping mission – low-level spoilers |
| 6 | AU intervention in cases of grave circumstances |

**Source** Adapted from the Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee Chapter 1 para. 1.6

Given the nature of conflicts in Africa and the context in which these conflicts take place, it needs to be emphasised that more attention should be paid to institution-building and reconstruction work than simply to ending the gunfire and achieving a political settlement between factional leaders. The importance of this in the African context has been highlighted in several conflicts such as in Liberia, the DRC and Sierra Leone. In the long run, the ASF should therefore assume more and more such mandates, as this is a prerequisite for preventing the relapse of societies in transition into conflict.

## ASF CONCEPT AND PLAN

According to Article 13(1) of the PSC Protocol the ASF 'shall be composed of *standby* multidisciplinary contingents with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice'. As the italicised emphasis indicates, the ASF is not the equivalent of a national army for, unlike a national army, it is not a standing force. The standby arrangement is to be achieved on the basis of pledges from member states and preparations by regional economic communities (RECs) / regional mechanisms (RMs). To this end member states identify and earmark military, police and civilian personnel and forward their names and details to the REC or RM. On the basis of these pledges each REC/RM raises and prepares the regional brigade and develops the standby roster. The RECs/RMs then forward all the data on the capabilities they raised and the standby roster they developed to the AU.

While part of the ASF standby arrangement, the identified personnel (contingents) remain in their countries of origin. This means that it is only when a decision is made to deploy an ASF mission will they be called up, assembled at a certain point and jointly deployed to the mission area. However, while on standby they do participate in various pre-deployment activities, including training and joint exercises, which are organised on a regular basis by each REC/RM to keep them prepared for deployment.

Another point flowing from Article 13(1) is that the ASF is a multidimensional force. Since most conflicts on the continent are complex and of long duration, they call for a multifaceted approach and require capabilities to address not only security and military aspects, but also the political, humanitarian, developmental and legal/institutional dimensions of the conflicts. There is therefore a need for not only military but also police and especially civilian components. Accordingly, in terms of the Policy Framework, as well as the Roadmap for the Operationalisation of the ASF (Roadmap I) the ASF is to be composed of three components, namely a military, a police and a civilian component.

The ASF is organised into five regional brigades:

- The Southern African Development Community (SADC) brigade (SADCBRIG)
- The East African Peace and Security Mechanism (EAPSM) 23 brigade, which is known as the Eastern Africa Standby Brigade (EASBRIG)
- The Economic Community of West African States (ECOWAS) brigade (ECOBRIG)
- The North African Regional Capability (NARC) brigade, which is known as the North African Standby Brigade (NASBRIG)
- The Economic Community of Central African States (ECCAS) brigade (ECCASBRIG), or Multinational Force of Central Africa (FOMAC)

According to the original plan set out in Roadmap I, each REC/RM should establish a small full-time planning element, a brigade headquarters, and pledged brigade units. The planning element is responsible for raising and maintaining the pledged units, for developing the police and civilian rosters and for making the necessary arrangements for deployment. It is also envisaged that every REC/RM will have to prepare, by 2010, a capability consisting of military, police and civilian elements of about 5 000 personnel. This means that the overall size of the ASF will have a capability of between 25 000 and 30 000.[53]

In view of the complex and longstanding nature of African conflicts it is clear that the proposed force strength of the ASF will only be adequate for one scenario 5 mission. The question is how will the ASF cope if a number of conflicts occur at the same time, and are as serious as those in Darfur, Somalia or the DRC? Could the ASF be an adequate mechanism for responding to conflicts in such circumstances?

According to the Policy Framework, the existing strategy is that the ASF should hand over mandates and responsibilities to the UN. This has been the case with regard to the African Mission in Burundi and African Mission in Sudan (AMIS), both of which were taken over by a UN mission. It is assumed that the ASF will be deployed for a period of 12–24 months during which it prepares the conditions that will allow a UN mission to take over.

This is obviously not consistent with the lofty tasks that the PSC Protocol envisages for the ASF. Furthermore, given the nature of conflicts in Africa, the expectation that an ASF mission will stabilise conditions within two years to a point where a comprehensive agreement would be signed that will allow a UN mission to be deployed is unrealistic. If an ASF mission is to have a durable impact for the establishment of peace and stability in the host country, it will have to be deployed for a period of not less than five years, which is the average length of a mission.

> It is assumed that the ASF will be deployed for a period of 12–24 months during which it prepares the conditions that will allow a UN mission to take over

Three different time lines have been identified for the deployment of an ASF mission for the different scenarios. In the case of Scenarios 1 to 4 the recommendation is that deployment should take place within 30 days. For Scenario 5, complete deployment should take place within 90 days, while the military component should be able to be deployed in 30 days. Finally, in the case of a mission Scenario 6 relating to grave circumstances such as genocide, it should be possible to deploy the Rapid Deployment Capability of the AU within 14 days.

However, the question is whether and how it would be possible to meet these deployment time lines given that the ASF is simply a standby and not a standing body. In this regard the observation made by Cilliers is instructive worthy of full quotation:

> The deployment timelines, already ambitious by any standard, are made particularly demanding by the multinational and standby character of the ASF. As a general rule, the more multinational a force, the more difficult it is to train and operate. Multinational

forces also take longer to deploy if not pre-assembled at a staging area. Forces based on a single lead (or framework) nation, or forces largely consisting of one country's armed forces, are much easier to maintain at high readiness than multinational forces that require substantial periods of collaboration and joint exercises over several years, but do not enjoy the legitimacy and trust that multinational forces engender. For example, the Scenario 6 deployment of a military component within 14 days can only be performed by forces that are ready, assembled, fully equipped and exercised with transport available on immediate call and with logistic supplies pre-packed and ready for delivery by air. A force at such a state of readiness cannot take leave or be used for other duties, with the result that it cannot be maintained at this level for very long and have to be rotated at regular intervals.[54]

## REQUIREMENTS FOR THE OPERATIONALISATION AND SUCCESS OF THE AFRICAN STANDBY FORCE

According to the 2003 Policy Framework and the 2005 Roadmap, as supplemented by Roadmap II, the ASF is to be developed in two phases by the end of 2010. At the end of Phase II, in 2010, the ASF is supposed to be operationally ready for deployment, including for complex peacekeeping operations and intervention in respect of grave circumstances as defined in Article 4(h) of the Constitutive Act.

From a practical perspective, this means that the AU together with RECs/RMs should at the technical level develop all policy documents and technical concepts and institutional structures, prepare the pledged units for deployment through training and joint exercises and have a reasonable level of, if not all the required, infrastructural capability.[55] At the political/strategic level, one would also expect finalisation of detailed legal or policy frameworks or guidelines on mandating authority and the process of decision-making for the deployment of the ASF at both AU and RECs/RMs level.[56]

### Political and legal requirements: mandating authority and processes

For the ASF to serve as the mechanism that in its responses match the nature of conflicts in Africa both qualitatively and in terms of timeliness, it is a prerequisite that the AU be vested with the necessary legal authority. In other words, to ensure legitimate deployment of the ASF in any conflict or crisis situation the AU needs to have a legally established mandating authority.

In Article 13 the PSC Protocol envisages that there are two types of situation in which the ASF is to be

deployed. The first relates to peace support missions and the other concerns intervention under Article 4(h) of the Constitutive Act. There are important legal distinctions between the two. Whereas peace support missions are deployed in respect to conflicts of various levels of gravity, as envisaged by ASF mission Scenarios 1 to 5, intervention applies only with regard to specifically defined circumstances (namely war crimes, genocide and crimes against humanity) as covered by ASF mission Scenario 6. Peace support missions are generally deployed with the support and consent of the authorities in the host country, whereas intervention deployment is by its nature forcible. While the purpose of peace support missions as spelt out in the UN Charter is 'the maintenance or restoration of international peace and security' the grounds for intervention by the ASF under mission Scenario 6 are what the Constitutive Act called grave circumstances namely war crimes, genocide and crimes against humanity. The aim of such intervention is also specifically preventing or stopping perpetration of such gross international crimes as distinct from the general maintenance of international peace and security as understood within the framework of the UN Charter.'[57] The AU needs mandating authority for deployment of both peace support missions and intervention.

There are important legal distinctions between peace support missions and intervention

With regard to the six mission scenarios for which the ASF is designed, the AU's mandating authority derives from at least two legal sources for Scenarios 1–5 (that is, in cases of peace support operations). The first source is Article 52(1) of Chapter VIII of the UN Charter which authorises 'regional arrangements' or 'agencies' to deal with 'such matters relating to the maintenance of international peace and security as are appropriate for regional action'. Within the framework of this provision the AU is a regional agency which may take such measures as it deems necessary for the peaceful settlement of disputes in accordance with Chapter VI of the UN Charter. This may include the deployment of peace support missions (Scenarios 1–4). Moreover, Article 53 envisages that with authorisation from the UN Security Council (UNSC), 'regional arrangements' or 'agencies' may also take 'enforcement action' in accordance with Chapter VII of the UN Charter (Scenario 5 ASF missions fall in this category). The Framework Policy affirms in its statement that the AU and more specifically the PSC 'is

a legitimate mandating authority under Chapter VIII of the UN Charter'.[58]

The other and main sources of authority for the AU are the Constitutive Act and the PSC Protocol. Article 9 (1)(g) of the Constitutive Act provides that one of the functions of the AU Assembly 'shall be to give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace'. The PSC Protocol adopted within the framework of the Act establishes the mandating authority of the AU PSC in more straightforward terms in Article 7(1), which stipulates that the PSC, in conjunction with the Chairperson of the Commission, 'shall … (c) authorise the mounting and deployment of peace support missions; (d) lay down general guidelines for the conduct of such missions, including the mandate thereof, and undertake periodic reviews of these guidelines'. Since the PSC Protocol as a protocol to the Constitutive Act constitutes an elaboration or extension of the Act, its designation of the PSC, in conjunction with the Chairperson, as the sole authority for mandating, revising and terminating peace support operations, indicates that the AU PSC is the authority that takes decisions on the use and deployment of the ASF for Scenario 1–5 missions.

One issue that arises in this context is the question of whether or not the AU should seek authorisation of the United Nations Security Council when deciding to deploy an ASF mission. From relevant documents, and particularly the PSC Protocol, it seems as if the AU recognises the UNSC as the authority with the primary responsibility for the maintenance of international peace and security. Although it is not established as a legal requirement for the AU, at the policy level the Framework Policy provides that 'the AU will seek UN Security Council authorisation for its enforcements action'. Indeed, so far the AU has generally and as a matter of course sought the support of the UNSC for all its missions and not only in cases of 'enforcement action'. One advantage of this is that it endows AU missions with global legitimacy.[59] This practice has also been established in part to enable the AU to access the financial resources of the African Peace Facility provided by the European Union.[60] Arguably, it is only where it deploys an ASF mission with authorisation from the UNSC that the AU may have a legally anticipated recourse 'to the UN to provide the necessary financial, logistical and military support for the African Union's activities in the promotion of and maintenance of peace, security and stability in keeping with the provisions of Chapter VIII of the UN Charter'.[61]

However, notwithstanding the policy and practice outlined above, it is possible that there may be circumstances under which the AU may need to deploy an ASF mission without the authorisation of the UN. This is,

for example, the case where the UNSC should decline to give authorisation when requested to do so by the Peace and Security Council of the AU or fails to respond within a reasonable period of time. In such cases, except in the case of Scenario 5 missions for which the AU may need to obtain UNSC authorisation for legitimate enforcement action, the AU can deploy missions based on the authority vested in it by the Constitutive Act and the PSC Protocol. Further, the experience of ECOWAS in Liberia and Sierra Leone shows that even in the case of a Scenario 5 mission, the AU may not need to obtain authorisation before deployment but can secure post facto authorisation of the UNSC.

## It is possible that there may be circumstances under which the AU may need to deploy an ASF mission without the authorisation of the UN

With respect to Scenario 6 missions, there is only one legal source for the AU as a mandating authority for the deployment of the ASF, namely the Constitutive Act, as set out in the revolutionary provision of Article 4(h), which vests the AU with a legal authority beyond and above that granted by the UN Charter under Chapter VIII with regard to regional organisations.[62] In this provision 'the AU Constitutive Act and the Protocol to the PSC broke a new legal ground under international law. They are the first legal instruments to codify the right of an intergovernmental organisation to intervene for preventing or stopping the perpetration of such serious international crimes that go beyond those provided for under Article 33 of the UN Charter.'[63] From this perspective it would be curious if the AU needed to request any UNSC authorisation when acting under Article 4(h). It is doubtful from a legal perspective whether the UN can give authorisation for the AU on a matter in respect of which it (the UN) does not itself have authority under the UN Charter.

Of relevance to the matter of mandating authority is the AU mandating process. If the ASF is to serve as an effective means for the management and resolution of conflicts, the AU needs to put in place an efficient decision-making process for the deployment of the ASF. This must of course be reconciled with the need for the timely deployment of an ASF mission to ensure that such a mission is effective in responding to conflicts in Africa. Indeed, consistent with the types of conflict experienced in

Africa, the PSC protocol provides for 'a timely and prompt response to conflicts and crisis situations'.[64] If the ASF is to meet this requirement, there is a need for not merely a decision-making process, but one which is efficient.

A guideline which attempted to set out an AU mandating process that would lead to the issuance of a mission mandate was proposed in April 2009.[65] According to this guideline the process would start with the determination that a crisis is emerging or exists in a member country by the CEWS which, by means of the Commissioner of Peace and Security, alerts the Chairperson and the PSC. If the crisis escalates in the course of taking peacemaking initiatives through the Panel of the Wise or the Chairperson's Special Envoy as part of a first effort to resolve the crisis, the Chairperson also initiates, through the Peace Support Operations Division (PSOD), a Conflict Management Task Force (CMTF) in preparation for possible deployment of a Peace Support Operation (PSO). The PSC then decides which option to take, based on a strategic analysis by the CMTF and the Chairperson's recommendations, and the Chairperson issues a directive that translates the decision of the PSC into strategic planning guidance for the development of the operational objectives. This leads to the issuance of a Planning Guidance by the Commissioner of Peace and Security to the CMTF, which develops the initial draft mission plan in which the broad strategic objective is translated into operational objectives in the format of a planning matrix. This is followed by the deployment of a Technical Assessment Mission whose report on its assessment of the situation on the ground serves as the basis for a draft mission plan.[66] The CMTF will then draft the Chairperson's report to the PSC which outlines among others a draft mandate. If the PSC approves the mandate with or without adjustments, it will issue its decision in the form of a communiqué that provides the legal authorisation for the deployment of the mission and the approval of the funds required for the implementation of the decision. In cases of a Scenario 6 mission or intervention missions under Article 4(h) of the Constitutive Act, not all these decision-making steps will necessarily be followed.

It should be noted, however, the process does not end with the PSC. As provided in terms of Article 7(1)(e) of the PSC Protocol, the PSC submits its proposal for intervention to the AU Assembly, which is the authority that will approve intervention, once it has determined that grave circumstances have indeed arisen or there is an imminent threat that circumstances arising in a member states may warrant intervention.

As the PSC is the sole mandating authority, its decision-making procedures and practices have a direct bearing on ASF deployment. Article 8(1) of the PSC Protocol provides that the PSC, like the United Nations

Security Council, is to be so organised that it is able to function continuously. For this purpose, each member state of the Council must at all times be represented at the headquarters of the AU. The PSC should meet at three levels, namely ambassadorial, ministerial and heads of state and government level. The Council is required to meet as often as requested at ambassadorial level but at least twice a month and at least once a year at ministerial and heads of state and government levels.[67] According to the report of the African Union Audit, '[i]t is doubtful whether, given the incidence, complexity, diversity and variety of peace and security issues on the continent, the occasional Ministerial and Heads of State/Government meetings allow them sufficient time to delve into issues, take informed decisions and provide the leadership required'.[68]

The PSC decisions are generally based on the principle of consensus. However, in case of failure to reach a consensus, decisions on procedural matters are by a simple majority and substantive matters by a two-thirds majority of members eligible to vote.[69] The provisional agenda of the Peace and Security Council is determined by the chairperson of the council on the basis of proposals submitted by the chairperson of the commission and member states. The inclusion of any item in the provisional agenda may not be opposed by a member state.[70]

To the extent that the PSC, like the UNSC, is a political body composed of member states that pursue their respective national interests, whether and the speed with which the PSC decides on deployment of an ASF mission depends among others on the interests of and political dynamics among members of the PSC and the strength and diplomatic skills of the Chairperson of the PSC at the time that the issue arises. The higher the degree of agreement among members of the PSC on deployment of an ASF mission, the better the chance that the PSC will come to a speedy decision and the greater the legitimacy of such a decision and hence the mission will be. Similarly, the nature of the mandate of the ASF is a result of political will and compromises. Although the decision-making process meets the requirement for a clearly established decision-making process, it has not been tested in practice.

One fact that does emerge is that particular attention should be paid to proper planning. The experience of AMIS has shown that this was one of the major factors that limited its success.[71] However, this is counterbalanced by the question of whether the amount of work and time involved in the decision-making (planning) process will allow the timely deployment of the ASF to take place. This is a crucial factor for early resolution or containment of conflicts on the continent. Clearly there needs to be a balance between proper planning and timely deployment of an ASF mission.

Finally, there is also the issue of political will or commitment. One of the requirements for successful peace support operations is the degree of political support and commitment that it receives or commands from the mandating authority, AU member states and the broader international community. In elaborating the norms and establishing the institutions for effectively responding to conflicts on the continent and more particularly in deciding to establish the ASF, African states have expressed their shared political and legal commitment to take the lead in responding to conflicts, among others by deployment of the ASF. Over and above this general commitment, however, the AU will have to mobilise and continuously sustain the commitment of member states to ensure that a credible ASF mission is deployed timeously whenever a situation that warrants the deployment of peace support missions arises. This commitment has to be obtained in terms of not only political support for ASF deployment (legitimacy) but also of funding and logistics support (material support). Without this, the ASF will have to contend with serious difficulties when it is deployed even if the ASF were equipped with the necessary technical and infrastructural capabilities.

Judged in terms of the track record of the PSC on its bold engagement with many situations on the continent,[72] there is reason to believe that the AU is committed to addressing conflicts on the continent. However, this does not necessarily translate into actual commitment by member states of the AU with regard to personnel, material and financial support to enable the PSC to deploy an ASF mission, as the experience of the missions that AU has deployed so far attests. In none of its larger missions have authorised or required troop levels been reached.[73] It is yet to be seen if the ASF concept is going to address this. Given the economic situation of many African countries as well as their military and personnel capabilities, it would seem likely that the ASF concept will be unable to overcome many of these problems. Although the ASF has the potential to contribute substantially to addressing problems of force generation (ASF forces are pledged before the decision for deployment), it cannot entirely overcome the issue of capability given that the overall force strength of the ASF is itself limited.

Furthermore, the capability of the RECs/RMs is very uneven and there is no clarity about mandating authority. It is also not clear if RECs/RMs are developing a clearly defined decision-making process for an ASF deployment. Problems in this area need to be resolved.

## Technical requirements

The technical requirements for success of the ASF include the development of and clarity on various policy instruments and technical concepts, such as PSO

doctrine, standard operating procedures, the institution of corresponding structures and systems at AU and REC/RM levels, training and the building of the necessary infrastructural capacity, as well as operational capability such as funding.

### Policy elaboration and structural development

The AU has made a great deal of progress with regard to the elaboration of various documents and concepts. During Phase I of the operationalisation of the ASF[74] five major policy documents were drawn up. These cover doctrine, training and evaluation, logistics, command, control, communications and information systems and standard operating procedures. These policy documents were adopted by the African Chiefs of Defence and Security (ACDS) and the African Ministers of Defence and Security (AMDS) at their meeting in March 2008. These documents define the policy frameworks that provide the technical and conceptual basis and the regulatory setup for the operation of the ASF.

The AU has also recognised the need for elaborating and refining further operational concepts, particularly with regard to the rapid deployment capability, maritime capability, formed police units and sea and air lift capabilities. In the light of the new security challenges arising from maritime insecurity, as witnessed along the coastline of the Horn of Africa and in the Gulf of Guinea, maritime capability should be included in the ASF's repertoire. Given the gravity of the problem it is important that maritime capability be based on a comprehensive framework to serve as a basis for REC/RM involvement and for determining their specific requirements and needs. Obviously, this places additional demands on technical expertise and maritime logistics and infrastructure requirements. This is an area in which technical capabilities and infrastructure would only be developed over a long period of time.

The development of policy documents is an area in which the AU has made remarkable progress in terms of meeting targets. However, there are gaps with regard to air and sea lift concepts, medical and legal matters, and reimbursement to the Troop-Contributing Countries (TCCs). Some of the policy documents on these areas require further refinement, while others such as the rapid deployment capability and formed police unit concepts still need to be finalised.

As far as structures and systems are concerned, the Policy Framework envisaged the development of a strategic level management capability at AU headquarters and at each of the RECs/RMs. Based on the plan, both the AU and RECs/RMs have put in place a 15-person planning element, although it is not sufficiently multidimensional.[75] This provides only a start-up (not completed) structure or capability for planning, managing and supporting ASF missions. It serves as a permanent standing headquarters strategic level management capability. It is expected that the headquarters planning element will have the capacity to plan all potential missions, including the development of an integrated mission plan.

These are still in the initial phase of their development, however. At present the same people are used for the operationalisation of the ASF and for planning actual PSOs, and the AU manages and supports current missions on an ad hoc basis. As far as the operationalisation of the ASF is concerned, the need for a permanent and expanded capability of the planning element at AU Commission level has been identified. This led to the development of a new structure for the African Union Peace Support Operations Division (AU PSOD), which will, when fully implemented, expand the staff of the PSOD exponentially from the present number of 28. At REC/RM level, all regions have established core elements of their respective planning elements, although the civilian and to a lesser degree the police components are not fully operationalised at either AU or REC/RM level.

There is also a need for a mechanism for developing lessons learned and ensuring that such lessons are integrated into the planning of future missions and management of existing ones. No provision has been made in existing AU ASF documents for such a mechanism. This should be rectified during Exercise AMANI, if not earlier.

At both AU and REC/RM levels, the proposed rostering system for maintaining a database on available civilian and police capability from which the AU could recruit individual civilians and police officers for various ASF missions needs to be instituted and start functioning. The contribution and role of existing non-governmental rostering systems should also be used and their modalities properly defined.

### Command and control system

In terms of the structure and systems for the ASF the elaboration of an effective command and control system is an essential requirement. The AU did elaborate an ASF command and control system as part of Phase I priorities in the operationalisation of the ASF. Clearly, however, the institution of an effective command and control system requires more than mere development of the document or the concept. The AU should recruit people with the necessary expertise and experience as part of the continental headquarters capability in Addis Ababa. It is not clear if the existing recruitment measures are suitable for attracting and retaining such people.

The AU's peacekeeping management capability is still being developed, and in the short term its existing

structure will allow it to control and command only small missions. It may need to resort to ad hoc strategic management capability, as it has done for AMIS and currently for the African Union Mission to Somalia (AMISOM), for big missions. The number of staff of the AU PSOD is very small if one considers the tasks they are expected to undertake for the operationalisation of the ASF and the planning, management and support of existing and new missions. Their multiple responsibilities militate against the AU's ability to exercise effective command and control over missions. It is therefore suggested that the AU employs a larger number of specialists and experts, along with more general staff, who will be able to provide better internal coordination and allow for a clearer division of responsibilities. This will obviously require additional funding for the various responsibilities and programmes.[76]

> The AU's peacekeeping management capability is still being developed, and in the short term its existing structure will allow it to control and command only small missions

One issue that emerged from some of the missions conducted by the AU are problems relating to strategic and operational command and control, as was clear from for example the experience of AMIS.[77] This concerns not only problems of a clear command and control structure but also the provision of the requisite military specialities and technical capabilities. There is also a need for a clear definition of the different levels of command and control at the strategic, operational and tactical levels.[78]

The AU and RECs/RMs also need to put in place the infrastructure that will enable the different actors to exercise and enforce command and control on deployed ASF missions. As Jakkie Cilliers points out, this entails 'the installation of an appropriate Africa-wide, integrated and interoperable command, control, communication and information system (C3IS) infrastructure, that would link deployed units with mission headquarters, as well as the AU planning elements (PLANLEMs) and regions'.[79]

Finally, a decision should be taken on the official language for missions at the regional and continental

levels as this will go a long way towards facilitating effective command and control of missions at all levels.

### Training

Adequate training is an important technical requirement and a prerequisite for the operational readiness of the ASF capabilities. Given that ASF brigades are constituted of multidimensional contingents based in their countries of origin, there is a need for continuous training at different levels. Personnel that states contribute towards an ASF capability should acquire the necessary foundation training if they are to be able to contribute to ASF peace support operations. They should also receive joint training by means of exercises at both REC/RM and continental level.

This is not an easy thing to accomplish. It requires a number of well-equipped, well-resourced and well-staffed training centres that can provide regional and continental support. Although there are training centres in the different parts of the continent, not all of them have the necessary capacity to meet the ASF training needs. All of them also need to improve their existing infrastructure and personnel capabilities. Their training curricula must also be revised in line with ASF requirements. The availability of such training institutions differs from region to region and regions lacking the necessary centres should be identified so that such institutions can be established where required. A region that requires particular attention is ECCAS, first because such institutions do not exist in the region and second because there are not enough francophone training institutions.

Much work needs to be done to standardise ASF training within and across RECs/RMs. This will ensure that all the brigades adhere to the same standards and are at the same level of technical preparedness. It is also an important means of facilitating the interoperability of troops coming from different brigades. Such interoperability is in fact one of the major challenges in raising the regional brigades, because different member states have different standards for operational procedures, approaches, equipment, traditions and training backgrounds. Operationalisation of the brigades should therefore focus on training as a means of not only preparing the regional brigades for operational readiness by 2010 but also to achieve some degree of interoperability.

The regions have conducted various training activities and joint exercises. The ECCAS Brigade conducted two map exercises in 2008 and is now preparing for its command post and field training exercises. EASBRIG has conducted its map and command post exercises and has been in the process of conducting its field training exercise. ECOBRIG has conducted various training

activities and command post exercises and conducted its field training exercise during June/July 2009. The SADC Brigade has also conducted various exercises and planning conferences and has been preparing its command post exercise. NARC is the newest brigade and has not yet planned or organised training exercises.

The AU is in the process of implementing a continental training plan known as Exercise AMANI to assess the operational readiness of the various brigades.[80] Exercise AMANI, which is being implemented with the support of the EU's EURORECAMP, will culminate in a command post exercise in March 2010. The activities that have been implemented as part of the Exercise AMANI cycle since its launch in late 2008 include a contributors' conference (February 2009), initial planning conference (12–13 March 2009), strategic decision-makers seminar (20–21 April) and map exercise (31 August – 4 September 2009). Further activities will include a political-strategic seminar, a strategic conference, a command post exercise, and an after-action review conference.

> The deployment and maintenance of an effective peace support operation also depends on availability of the necessary infrastructure both for its deployment and for an effective and successful execution of its mandate

### Infrastructure capability

The deployment and maintenance of an effective peace support operation also depends on availability of the necessary infrastructure both for its deployment and for an effective and successful execution of its mandate. Needless to say, it is of paramount importance that the ASF has at its disposal all the necessary equipment as well as air and sea lift capabilities, ground transportation, information systems, etc.[81] The lack of such infrastructure will not only prevent a mission from effectively implementing its mandate but will also undermine its ability to respond to crisis situations. This was aptly illustrated in the experience of the AU/UN Hybrid Operation in Darfur, as detailed by

its former force commander, General Martin Luther Agwai, during an interview:

> The minimum, not the ideal but the minimum … is 18 utility helicopters, and about 12 to 18 combat helicopters that can go to do reconnaissance and other things. As of today there is no country in the world that has volunteered to give us that capability – zero. You must have heard about the attack we had on our camp in Haskanita [on 30 September 2007] when we lost 10 of our peacekeepers. After the attack we wanted to go to the area to move the injured. It took us about eight hours because the civil pilots could not take the risks if we had military helicopters, we would have been able to arrive very much, much earlier, and we may have been able to save may be one or two lives. [82]

These have been common problems in all peacekeeping operations undertaken by the AU and sub-regional organisations such as ECOWAS. To date, the AU and its RECs have mounted peacekeeping operations in Burundi, the Comoros, Côte d'Ivoire, Guinea-Bissau, Liberia, Sierra Leone, Sudan and Somalia. While these missions have shown the value of a quick response for containing violence and contributing to the resolution of conflicts, 'the ability to implement their respective mandates has often been constrained by a lack of military capabilities, insufficient resources and inadequate institutional capacity to plan, manage, deploy and liquidate operations'.[83]

The AU has developed a logistics concept paper in which it proposes the erection of one continental logistics base and five regional logistics depots. The continental logistics base will provide logistics support for establishing and equipping a mission headquarters, sector headquarters and Troop Contributing Countries/Police Contributing Countries in the case of critical shortfalls, and for the provision of non-military equipment and material for Military Observers (MILOBS)/police and international and local civilian staff. However, this concept paper has not yet become a reality and no logistics depots have yet been established. Although certain sites have been identified as potential locations for the continental logistics base, AU member states could not agree on a particular location for political rather than technical reasons. Accordingly, the African Chiefs of Defence Staff decided at a meeting in May 2009 that priority should be given to development of the five regional logistics depots and that the decision on the continental logistics depot should be postponed.[84]

The feasibility of and necessity for six logistics depots for the ASF needs to be addressed, among others by considering the financial and administrative requirements of this plan. Other questions that need to be

addressed include that posed by Cilliers: 'who should take ownership of the various logistics bases – international partners, the region, the AU or the UN? Or should it be outsourced?'[85]

With respect to the development of sea and air lift capabilities, the AU has taken certain initiatives. A Maritime Strategic Lift Concept was developed during a technical meeting in Addis Ababa, Ethiopia, held in March 2009. The concept will be presented to the RECs/RMs later during the year for their inputs and concurrence and was to have been completed by 30 November 2009. The Algerian National Defence Force has been requested to develop the Strategic Air Lift Capability Concept, in conjunction with other parties in NARC. A workshop was held in September 2009 in Algeria to discuss this matter. The draft concept should have been finalised by 30 November 2009. The South African National Defence Force has also been requested to develop a road/rail strategic lift concept in conjunction with other role players in SADC. As necessary and commendable as these initiatives are, the issue that the AU and its RECs/RMs needs to deal with concerns acquisition of the necessary resources and the mechanisms for operationalising these initiatives.

> The feasibility of and necessity for six logistics depots for the ASF needs to be addressed, among others by considering the financial and administrative requirements of this plan

The provision of the necessary infrastructure is also critical for maintaining an effective strategic level management system at the AU headquarters as well as at RECs/RMs level. As the role expected of PSOD expands and its staff size increases correspondingly, there is a need to provide suitable office accommodation, an operations room office and information technological equipment for among others communication and information gathering and analysis.

At RECs/RMs level, because the regions are at different levels of development and integration, it is only natural that some regions will be better resourced and equipped. The issue that the AU has to deal with in this regard is whether the resources and equipment of one brigade could be used for deploying another brigade – thus whether or not the AU can use for example the SADC Brigade for deployment in, say, the ECOWAS region. This is part of the larger issue of ownership of the regional brigades.

## Operational requirements

### Funding

The nature of peacekeeping operations has undergone substantial change over the course of the past two decades and the financial requirements have correspondingly skyrocketed. The UN experience in Africa has shown that peacekeeping is a very expensive enterprise. For example, between July 2009 and June 2010, an estimated US$5,70 billion is to be spent on the seven UN missions in Africa.[86] This means that the organisation will spend about US$814 million on each of the missions and an estimated US$475 million per month on peacekeeping operations in Africa.

Clearly, if the ASF was going to be operationally ready by 2010, it will not succeed without the necessary funds for its operations. As the AU's limited experience with AMIS and AMISOM amply demonstrated, one of the challenges for an AU mission is acquiring the necessary funds for the deployment and sustainment of the mission. This was highlighted in the recent report of the UN Secretary-General, as follows:

> [T]he absence of predictable and sustainable funding has been linked to a number of critical operational limitations, including:
> (a) The inability to reach mandated troop levels;
> (b) Limited operational effectiveness owing to a short-term focus on the availability of funding, as opposed to a longer term strategic focus on achieving the mandate;
> (c) In the case of the African Union Mission in the Sudan (AMIS), a difficult transition from an under-resourced African Union operation to a hybrid peacekeeping operation (the African Union-United Nations Hybrid Operation in Darfur (UNAMID));
> (d) An unsustainable administrative, coordination and financial management burden placed on a limited African Union capacity by multiple donors' reporting and oversight mechanisms.[87]

### Administrative capability

The AU faces as many, if not more, problems with regard to financial administration as with availability of funds for its operations. In the first place, the AU does not have the necessary absorption capacity and the capacity to shoulder the administrative burden that comes with donor funding. As one report of the UN Secretary-General put it, 'even if funding existed the AU does not have the capacity to turn dollar figures into resources'.[88] The experience of

AMIS showed that the AU does not have an effective and transparent financial administration system.[89] This has led to speculations and rumours, among others that a large sum of money that was meant for financing AMIS cannot be accounted for. Obviously such rumours undermine the ability of the AU and ASF to attract the necessary funding.

The challenge for the AU is not just one of mobilising the required funding for its future ASF missions but also of developing the necessary financial administrative and regulatory framework to ensure the efficient and transparent management of funds. Much work needs to be done on the modalities of channelling and administering funding for ASF missions to ensure reliable and timely funding for operations and to ensure that funds are channelled and administered effectively. Finally, this should be achieved without encumbering the AU with demanding financial administration responsibilities. The best approach would be that the AU develops an effective but simple model for channelling and administering funds which is acceptable to its partners.

Other issues that affect effective administrative capacity include the overall organisational infrastructure of the AU, its internal working methods, rules and procedures, and decision-making mechanisms. As very little progress has been made to improve these aspects, which are known to be inefficient, it is to be expected that ASF missions will in the short to the medium term be affected by these administrative woes of the AU Commission.

> The challenge for the AU is not just one of mobilizing the required funding for its future ASF missions but also of developing the necessary financial administrative and regulatory framework to ensure the efficient and transparent management of funds

## Organisational coordination

As noted above, the ASF is organised along the lines of five regional brigades. This means that ASF capabilities are raised and developed by the RECs/RMs that form part of the building block of the APSA. This gives rise to political and organisational issues.

First, notwithstanding the memorandum of understanding signed between AU and RECs on their general relationship, there is nothing that specifically regulates their respective roles and powers with respect to the use and authorisation of ASF capabilities. As a result, there is lack of clarity about whether the AU needs to negotiate with RECs/RMs on the use of the brigades that they have raise and maintain. If that is going to be the case, there is no doubt that it will complicate matters.[90]

Second, the AU should provide guidance to RECs/RMs to ensure that the different brigades adhere to the same standards and achieve the same level of readiness. Some of the RECs have a rich experience and an advanced level of capability but others do not, and it is not clear whether the AU is able to provide the necessary guidance to bring all brigades up to standard. Furthermore, no effective framework or structure has been developed to mediate an effective AU-REC engagement on ASF issues. 'The result,' writes Cilliers, 'is that the development of the different ASF components has not adhered to a single coherent concept.'[91]

## CONCLUSION

The decision to build an African peacekeeping capability or infrastructure could not have come at a better time. It was taken after more than a decade of international disengagement and UN inaction or lack of effective involvement to restore peace in Africa. But it also came at a time when the global agenda was dominated by the fight against terrorism and the operations in Iraq and Afghanistan. Despite the UN's increased involvement in many of the conflicts, most of the contributions to UN missions in Africa have come from developing countries and the deployment of UN missions was often preceded by African peacekeeping operations, which provided the basis for deployment by the UN.[92]

A further complicating factor is the new UN policy of abstaining from the deployment of peace operations until comprehensive peace agreements have been signed.[93] Although the violence continues with a resultant loss of human lives, mass displacement and refugee flows as in Somalia, the blue helmets will not intervene where there is no peace. This has created a huge peace and security gap which could result in irreversible tragedies.

Furthermore, the political processes of deciding on UN deployment in the Security Council as well as the technical/bureaucratic procedures of planning and deploying UN forces could take a minimum of six months. As the experience of Darfur also shows, even after a mission has been approved by the Security Council, it takes a very long time to achieve its mandated troop and

logistical strengths. There is therefore a need to at least fill the gap between the eruption of hostilities and the deployment of UN forces. Apart from rectifying these limitations of the international peacekeeping regime, the concept of the ASF also endows Africa with its own mechanism for a timely response to conflicts and for intervention in the case of grave circumstances.

This paper examined the normative and institutional framework of the ASF and revealed that the ASF will be an important mechanism for responding to future conflicts on the continent. However, whether it will prove to be an adequate response mechanism and will fully realise its potential will only be known once the ASF has been deployed in a good number of cases. In this regard the paper highlighted the limitations in the concept and operationalisation of the ASF that militate against it as one of the most critical response mechanisms of the AU.

At the political level there are still issues that need to be resolved. The deployment of the ASF is not merely a technical matter. It is in important respects a political affair. There is a need for clarity on the role of troop contributing countries, RECs/RMs and the AU with respect to the use of the ASF capability. The decision on the deployment of the ASF should not be dictated by political considerations and to advance the national interests of a particular country. To avoid such problems regarding the release of national contingents and regional brigades for deployment by the AU, there should be clear guidelines and standards of decision-making and these should be agreed upon between the AU and RECs/RMs.

Another important issue concerns whether the AU will be able to mobilise the necessary political will of its member states for a timely and efficient response to conflicts. Although African countries have in recent years shown the political willingness and commitment to address conflicts on the continent, there are a number of obstacles. Furthermore, there is a need to enhance the will of African member states to commit their personnel and resources to AU missions in a timely manner.

The future role and effectiveness of the ASF will also be affected by its mandate. In terms of the PSC Protocol the ASF should be deployed with a strong mandate which should be clearly defined and implementable. The experience of some of the missions, and particularly of AMIS and AMISOM, shows that this is an area that requires improvement. First, it is imperative that missions should be assigned a robust mandate in line with the requirements of the conflict situation. Second, the mandate should be clear enough to prevent confusion and divergent interpretations that could lead to ineffective execution of the mission mandate. Third, it should be emphasised that while mandating the ASF, it is imperative that the AU, in collaboration with its member states, RECs, partners and the UN, equips the ASF with the

necessary logistics and resources. This is something that the AU may achieve over a period of time rather than in one go in 2010.

At the level of the AU Commission, there should be more commitment, professionalism and leadership for the processes of operationalisation of the ASF and in managing and coordinating international support. Without such commitment, professionalism and leadership, the ASF will not have coherence and an effective strategic level management. The AU may also need to improve its recruitment processes and working environment to attract qualified personnel. An area that requires a great deal of improvement is the AU Commission's administrative procedures, working methods and decision-making mechanisms which are highly inefficient at present.

Given the political reality of the continent and the known capacity and resource limitations, the major challenge for the ASF is how to ensure that the ASF will have the necessary funding, logistics and administrative and strategic management support. This is critical because if the ASF is deployed to undertake complex and multifaceted mandates without the necessary capacity, readiness, logistics and funding, it will run the risk of failure. 'A failed intervention,' warn Cilliers and Sturman, 'can do as much damage as failing to intervene at all.' The problem with failure is that it can worsen the situation. As they rightly noted 'an inappropriate response to a complex emergency situation can lead to another Somalia, where intervention took the situation from bad to worse'.[94]

There is a need for increased and more formalised collaboration between the AU and its partners – including the UN – to address these problems. In this regard, the framework for AU support that is currently being developed by the UN is a very commendable development, which could potentially address the AU's financial as well as institutional capacity woes.[95] Within this framework, the UN is expected to provide some funding and technical support for AU-led and UN-authorised peace operations. However, the modalities of providing funding for the ASF missions still needs a great deal of work to ensure reliable and timely funding and that the funds are channelled and administered effectively without encumbering the AU with demanding financial administration responsibilities. Therefore an effective but simple model of channelling and administering of funds should be developed by the AU.

In addition, AU member states should contribute more resources to the implementation of the peace and security agenda than they themselves have set up within the framework of the APSA. In this regard one notable development is the recent decision of the AU to double the funds to be transferred from the AU's regular budget

to the Peace Fund. During a special session of the AU held in Tripoli on 31 August 2009, the AU requested the Commission to take the necessary preparatory steps for the increase of the statutory transfer from the African Union regular budget to the Peace Fund from 6 per cent to 12 per cent in its Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace.[96] The Assembly also requested its member states to make voluntary contributions to the Peace Fund.

This is especially important for addressing the challenges that the AU may face in financing for the ASF in the case of peace support operations undertaken with the sole authorisation of the PSC. It also expresses in real terms the commitment of African states to the peace and security agenda of the AU and it increases African ownership of the AU's efforts for achieving peace and security on the continent.

> It is fair to say that it is only in the medium to long term that the ASF will be in a position to implement the full scale of its mandate as spelled out in the PSC Protocol

The ASF indubitably forms an important part of AU's strategic response mechanisms to the conflicts and crisis situations that the continent currently faces and will continue to face. However, it should be emphasised that the ASF should not be seen as the AU's main response mechanism. It is only one of the different tools that the PSC can use for conflict prevention, management and resolution, and it is to be used only as a last resort. As UN Secretary-General Ban Ki-Moon aptly observed, 'it is important to recall that peacekeeping is part of a political solution, not an alternative. Efforts must continue to be made in parallel to enhance and support preventive diplomacy, early warning, and conflict resolution and mediation. Peacekeeping operations should only be embarked upon after careful consideration of all available response options and must be accompanied by a viable political strategy and a set of clear objectives.'[97] However, in cases where the ASF is indeed deployed, it is important that its mandate involves peace building and reconstruction, for only then will it be able to play an effective role in establishing sustainable peace.

In the final analysis, it should be noted that the ASF will realise its potential only after it succeeds in achieving an optimal level of logistical, technical, organisational and financial capability. This is obviously something that will come with time. One should therefore not expect the ASF to have achieved its projected operational capabilities by 2010. The various brigades of the ASF and their components will at that date still be at different levels of development and readiness. The operationalisation of the ASF would therefore continue for some time beyond 2010. It is fair to say that it is only in the medium to long term that the ASF will be in a position to implement the full scale of its mandate as spelled out in the PSC Protocol. In the short term, its role in and capability and contribution towards effective conflict management and resolution will be modest.

## NOTES

1    See Protocol Relating to the Establishment of the Peace and Security Council of the African Union (PSC Protocol), adopted by the first Ordinary Session of the Assembly of the African Union in Durban South Africa, on 9 July 2002, and entered into force on 26 December 2009, http://www.africa-union.org/root/AU/organs/psc/Protocol_peace%20and%20security.pdf (accessed 13 December 2009).

2    PSC Protocol, Article 2.

3    Jakkie Cilliers, *Africa in the new world: how global and domestic developments will impact by 2025,* ISS Monograph 151, Pretoria: Institute for Security Studies, 2008, 99–101.

4    Richard Jackson, Violent internal conflicts and the African state: towards a framework of analysis*, Journal of Contemporary African Studies* 20(1), 29-52, http://cadair.aber.ac.uk/ dspace/handle/2160/1953 (accessed 6 May 2009).

5    Most of the conflicts that erupted during the post-Cold War period are fought within, and not between, states and involve state and non-state actors of various kinds. See C Clapham, The United Nations and peacekeeping in Africa, in Mark Malan (ed), *Wither peacekeeping in Africa,* ISS Monograph 36, Pretoria: Institute for Security Studies, April 1999, 29; Cilliers, *Africa in the new world,* 99; Festus Aboagye, Introduction: motivations and dynamic issues of post-Cold War security issues in Africa, in Festus Aboagye (ed), *Complex emergencies in the 21st century,* ISS Monograph 137, Pretoria: Institute for Security Studies, 2007, 1, 2–3.

6    In most African states, disease, aggravated by poverty, social instability and lack of even basic medical facilities, represents a far greater threat to life than armed conflicts. According to some studies, nearly three million people die each year on the continent from AIDS alone. See Peter Hough, *Understanding global security,* London: Routledge, 2004, 154–155.

7    On the fragility of the African state see B Davidson, *The black man's burden: Africa and the curse of the nation-state*, New York: Times Books, 1992; Jackson, Violent internal conflicts and the African state; Makwa wa Mutua, Why redraw the map of Africa: a moral and legal inquiry, *Michigan Journal of International Law* 16 (1995), 1113; Makau wa Mutua,

Putting Humpty Dumpty back together: the dilemmas of the post-colonial African state, *Brooklyn Journal of International Law* 21 (1995), 505; O C Okafor, Righting, restructuring, and rejuvenating the post-colonial African state: the case for the establishment of an AU Special Commission on National Minorities, *African Yearbook of International Law* 13 (2005), 43; A M Abdullahi, The refugee crisis in Africa as a crisis of the institution of the state, *International Journal of Refugee Law* 6(4) (1994), 562.

8   See O C Okafor, *Re-defining legitimate statehood: international law and state fragmentation in Africa,* The Hague: Martinus Nijhoff, 2000; Richard Jackson, Africa's wars: overview, causes, the challenges of conflict transformation, in Oliver Furley and Roy May (eds), *Ending Africa's wars: progressing to peace*, Aldershot: Ashgate, 2006, 15.

9   Since the adoption of the AU's Lomé Declaration on Unconstitutional Changes of Government in 2000, there have been more than nine coups and unconstitutional changes of government. The first was in Madagascar in January 2002, followed by Guinea-Bissau, São Tomé et Principe, he Central African Republic and Mauritania in 2003 and Togo and Mauritania in 2005. In August 2008 there was another coup in Mauritania, followed by one in Guinea-Conakry in December. Madagascar experienced another unconstitutional change of government in March 2009. Many other countries experienced coup attempts: in 2001 there were three coup attempts in two months in the Comoros; coup attempts led to civil war in both Côte d'Ivoire and the Central African Republic in 2003; and in 2004 there were two coup attempts in the DRC. See Jackson, Africa's wars, 19; David Zounmenou, Coup d'états in Africa between 1958 and 2008, *African Security Review* 18(3) (September 2009), 72–73; Issaka K Souaré, *The AU and the challenge of unconstitutional changes of government in Africa,* ISS Paper 197, Pretoria: Institute for Security Studies, 2009, 5–6.

10   See *African Renaissance* 5(3&4) (2008), Electoral violence and post-electoral arrangements in Africa,

11   See Human Rights Watch, *Bullets for each of you: state sponsored violence since Zimbabwe's March 29 elections*, 2008.

12   See O Nwolise, Electoral violence and Nigeria's 2007 elections, *Journal of African Elections* 6 (2007), 155.

13   See K Matlosa, Managing post-election conflict in Lesotho, *Global Insight*, 70 (2007), 1.

14   See Terrence Lyons, Ethiopia in 2005: the beginning of a transition? CSIS Africa Notes 25, January 2006, www.csis.org/media/csis/pubs/anotes_0601.pdf (accessed 17 May 2008).

15   Cilliers, *Africa in the new world.*

16   Jackson, Africa's wars, 19.

17   Ibid.

18   Ibid., 20.

19   Of the 300 000 child soldiers at present fighting in more than 30 countries around the world, more than 120 000 are in Africa. Annup Shah, Children, conflicts and the military, 2003, http://www.globalissues.org/Geopolitics/Children.asp (accessed 3 December 2009). Also see Rachel Stohl, Under the gun: children and small arms, *African Security Review* 11(3) (2002).

20   See *The responsibility to protect: report of the International Commission on Intervention and State Sovereignty,* Ottawa:

International Development Research Centre, 2001, paragraph 1.19, 4.

21   Examples are the civil wars in Sierra Leone, Liberia, Sudan and Somalia.

22   The long, violent conflict in Angola led to the displacement of more than a third of the population. In the ongoing conflict in Somalia the number of internally displaced persons reached a record high of 1,42 million. See http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-7V8MKN?OpenDocument (accessed 3 December 2009). It is believed that more than 300 000 Somali refugees crossed to Kenya, http://www.hatnews.org/2009/08/20/unhcr-chief-visits-dadaab-draws-attention-to-dramatic-somali-refugee-crisis/ (accessed 3 December 2009).

23   See Ben Kioko, The right of intervention under the African Union's Constitutive Act: from non-interference to non-intervention, *International Review of the Red Cross* 85 (2003), 807.

24   See A Abass and M A Baderin, Towards effective collective security and human rights protection in Africa: an assessment of the Constitutive Act of the New African Union, *Netherlands International Law Review* 49(1) (2002), 1.

25   Fourth extraordinary session of the Assembly of Heads of State and Government of the OAU held in Sirte, Libya, on 8–9 September 1999.

26   Sirte Declaration, paragraph 6.

27   See Constitutive Act of the African Union, adopted by the 36th ordinary session of the Assembly of Heads of State and Government in Lomé, Togo, on 11 July 2000, entered into force 26 May 2001, http://mirror.undp.org/african_union_en/treaties/constitution.pdf (accessed 3 December 2009).

28   For literature on this matter, see Girmachew Alemu Aneme, *A study of the African Union's right of intervention against genocide, crimes against humanity and war crimes*, Oslo: Faculty of Law, University of Oslo, 2008; Jakkie Cilliers and Kathryn Sturman, The right intervention; enforcement challenge for the African Union, *African Security Review* 11(3) (2002) http://www.issafrica.org/pubs/ASR/11No3/Cilliers.html; B Kioko, The right of intervention under the African Union's Constitutive Act: from non-interference to non-intervention, *International Review of the Red Cross* 852 (2003); Kithure Kindiki Intervention to Protect Civilians in Darfur: Legal Dilemmas and Policy Imperatives, ISS Monograph 131, Pretoria: Institute for Security Studies, 2007; Abdulqawi A Yusuf, The Right of Intervention by the African Union: A New Paradigm in Regional Enforcement Action?, 2005 African Yearbook of International Law 3-21, 2007.

29   Cilliers and Sturman, Ibid.

30   According to the Solemn Declaration on a Common African Defence and Security Policy, Paragraph 6 (adopted by the Heads of State and Government of member states of the African Union, at its second extraordinary session held in Sirte, Libya, on 28 February 2004, http://www.africa-union.org/News_Events/2ND%20EX%20ASSEMBLY/Declaration%20on%20a%20Comm.Af%20Def%20Sec.pdf (accessed 3 December 2009), human security underlies the transformation of the OAU to the AU and serves as a foundation for the new peace and security architecture of the AU. Unlike the OAU Charter, the Constitutive Act has a strong human rights content. Indeed, one of its objectives is to

'promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments' (Constitutive Act of the African Union, Article 3(h)).

31  As Cilliers and Sturman, The right intervention, supra note 28, put it: 'The absence or disappearance of a functioning government can lead to the same kind of human catastrophe as the presence of a repressive state. In Africa, intervention will be needed in as many cases where a weak state is unable to protect its citizens, as when a repressive state is unwilling to do so or [is] itself the cause of the abuse.'

32  Carsten Stahn, Responsibility to protect: political rhetoric or emerging legal norm? American Journal of International Law 101 (2007), 99, 100–101.

33  Adopted by the first ordinary session of the Assembly of the African Union in Durban, South Africa, on 9 July 2002 and entered into force on 23 December 2003.

34  PSC Protocol, Preamble.

35  Ibid, Article 3(f).

36  Ibid, Article 4(b).

37  Ibid, Article 4(c).

38  Ibid, Article 4(j).

39  Adopted at the second extraordinary session of the Assembly of Heads of State and Government of the AU, held in Sirte, Libya, on 27–28 February 2004.

40  Common Security and Defence Policy, Paragraph 13(j).

41  Constitutive Act of the African Union, Article 9(g).

42  PSC Protocol, article 2.

43  Ibid, Article 12.

44  Ibid. Article 10.

45  Ibid, Articles 10 and 12(5).

46  On the Panel of the Wise see Jamila El Abdellaoui, The Panel of the Wise, ISS Paper 193, Pretoria: Institute for Security Studies, 2009.

47  PSC Protocol, Article 11(3).

48  Ibid, Article 11(3).

49  Ibid, Article 11(4).

50  Ibid, Article 13.

51  Ibid, Article 13(3).

52  Policy Framework for the Establishment of the African Standby Force and Military Staff Committee, adopted by the African Chiefs of Defence and Staff at their third meeting held in Addis Ababa, Ethiopia, on 14 May 2003 (EXP/ASF-MSC/2(1).

53  Following the decision of the May 2009 meeting of the African Chiefs of Defence and Staff and Heads of Security to increase the Police Standby Arrangement from 240 individual police officers per REC/RM to 720 and the Formed Police Units from two to six per REC/RM, this means a total force of about 40 000. See Johan Potgieter, Peacekeeping forces for peace support operations in Africa, 4 August 2009, http://www.apsta-africa.org/news/article040809.php (accessed 13 December 2009).

54  Jakkie Cilliers, The African Standby Force: an update on progress, ISS Paper 160, Pretoria: Institute for Security Studies, 2008, 4, http://www.iss.co.za/dynamic/administration/file_manager/file_links/PAPER160.PDF?link_id=3&slink_id=5753&link_type=12&slink_type=13&tmpl_id=3 (accessed 14 December 2009).

55  See Peace and Security Council, Peace and Security Council Report, No 2, September 2009, 9–10.

56  Ibid.

57  See Solomon A Dersso, The legality of intervention by the AU in case of grave circumstances, ISS Today, 24 June 2009, http://www.iss.co.za/index.php?link_id=5&slink_id=7813&link_type=12&slink_type=12&tmpl_id=3 (accessed 13 December 2009).

58  See Chapter II of the Policy.

59  Dersso, The legality of intervention by the AU in case of grave circumstances.

60  Cilliers, The African Standby Force, 8.

61  See PSC Protocol, Article 17(2).

62  Dersso, The legality of intervention by the AU in case of grave circumstances.

63  Ibid.

64  PSC Protocol, article 2.

65  Draft Aide Mémoire, African Union Mandating Process for Peace Support Operations, adopted in April 2009

66  The Draft Mission Plan translates the operational objectives into an action plan for the mission as a whole and its constituent components.

67  PSC Protocol, Article 8(2).

68  African Union Audit, 98. Available at, http://staff.issafrica.org/resources/au/index.php, accessed on (23 Nov, 2009)

69  PSC Protocol, Article 8(13); Rules of Procedure of the Peace and Security Council on the African Union, rule 28, available at http://www.issafrica.org/index.php?link_id=3893&slink_id=3026&link_type=12&slink_type=12&tmpl_id=3. (accessed on 5 Nov 2009)

70  PSC Protocol, Article 8(7).

71  As a former AMIS official put it during a 2007 evaluation seminar: 'AMIS was never planned; it just happened.' See Catherine Guicherd, The AU in Sudan: lessons for the African Standby Force, New York: International Peace Academy, 2007, 4, http://www.ipacademy.org/media/pdf/publications/au_in_sudan_eng2.pdf (accessed 13 December 2009).

72  See Peace and Security Council Report, No 2, 18; AU Audit report, 98.

73  See E Svensson, The African Mission in Burundi: lessons learned from the African Union's first peace operation, Stockholm: FOI, Swedish Defence Research Agency, 2008; A Ekengard, The African Union Mission in Sudan (AMIS): experiences and lessons learned, Stockholm: FOI, Swedish Defence Research Agency, 2008; and C Hull and E Svensson, The African Union Mission in Somalia (AMISOM): exemplifying African Union peacekeeping challenges, Stockholm: FOI, Swedish Defence Research Agency, 2008.

74  See Roadmap I for the operationalisation of the ASF.

75  The operationalisation of the civilian component started much later than the military at the AU and REC/RM levels. No significant progress has been made with respect to the operationalisation of the civilian component either of these levels although the policy framework defining the roles and structures of the civilian component has been elaborated. As far as actual staffing is concerned, no RECs/RMs or the AU, except for EASBRICOM and ECCAS, have yet recruit civilian trainers. Even EASBRICOM and ECCAS only have one civilian far less than the number mandated under the Kampala Document.

76  V Holt and M Shanahan, *African capacity building for peace operation: UN collaboration with the African Union and ECOWAS*, Washington, DC: Henry L Stimson Centre, 2005, 68.

77  See Ekengrad, *The African Union Mission in Sudan (AMIS)*, 40.

78  Ibid.

79  Cilliers, *The African Standby Force*, 2.

80  Charles Debrah, Developments and challenges in the operationalization of the ASF, Powerpoint presentation at the APSTA Seminar held at Hilton Hotel, in Addis Ababa on 8 April 2009, slides 33–34.

81  On the importance of logistics and other infrastructure, see among others J Peter Pham, Too few good men – and even fewer supplies: the challenge of peacekeeping in Africa, http://worlddefensereview.com/pham12067.shtml (accessed 21 March 2009).

82  Quoted in Pham, Too few good men – and even fewer supplies.

83  United Nations Security Council, *Support to African Union peacekeeping operations authorized by the UN*, Report of UN Secretary-General Ban Ki-Moon submitted to the UNSC on 18 September 2009.

84  Declaration at the sixth meeting of African Chiefs of Defence Staff and Heads of Safety and Security, adopted in Addis Ababa, Ethiopia, on 11–15 May 2009.

85  Cilliers, *The African Standby Force*, 7.

86  See United Nations, UN peacekeeping operations, Background note, June 2009, http://www.un.org/Depts/dpko/dpko/bnote.htm (accessed 15 September 2009).

87  See United Nations Security Council, *Support to African Union peacekeeping operations authorized by the UN*.

88  United Nations Security Council, Report of the Secretary-General, S/2008/178, 14 March 2008.

89  For more details on the experience of AMIS, see Ekengrad, *The African Union Mission in Sudan (AMIS)*.

90  Cilliers, *The African Standby Force*, 17.

91  Ibid, 18.

92  Cilliers (*The African Standby Force*, 7) argues that '[i]n a reversal of thinking at international level, it has now become accepted that the AU can and should deploy in advance of the UN'.

93  See United Nations, Report of the Panel on the United Nations Peace Operations available at http://www.un.org/peace/reports/peace_operations/ (accessed on 9 November. 2009).

94  Cilliers and Sturman, The right intervention, note 28 above.

95  See United Nations Security Council, *Support to AU peacekeeping operations*.

96  See AU Doc SP/ASSEMBLY/PS/DECL (I)

97  United Nations Security Council, *Support to AU peacekeeping operations*.

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## ABOUT THIS PAPER

This paper discusses on the African Peace and Security Architecture (APSA) with particular emphasis and critical reflection on one of its components the African Standby Force (ASF). In considering the ASF within the context of the APSA, the paper identifies the role and place of the ASF within the African Union's conflict prevention, management and resolution scheme and processes. Most importantly, taking into account its mandate, its planed structure and mode of operation, its assigned force strength and the politico-legal, technical, infrastructural, financial and administrative requirements for its proper functioning as well as the nature of African conflicts, the paper critically examines the potentials and limitations of the ASF as a critical mechanism for responding to the demands of African conflicts. The paper concludes that although it is one of the most important components of the APSA to be developed by the AU, since the ASF would not achieve an optimal level of logistical, technical, organizational and financial capability in the short term, one should not expect the ASF to have achieved its projected operational capabilities by 2010. Accordingly, in the short to the medium term, its role in and capability to contribute towards effective conflict management and resolution, particularly in large and complex conflict or crisis situations, will at best be modest.

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