



Peace & Security Council Report

Special focus on regional economic communities

The AU's first meeting to coordinate with RECs raises expectations

North Africa could benefit from a functioning regional organisation

Will South Africa bridge the AU-SADC divide?

The EAC's upheavals could be a blessing in disguise

The AU re-takes the lead in Central Africa

ECOWAS struggles to address violent extremism

The Horn of Africa should improve citizen engagement

The AU's first meeting to coordinate with RECs raises expectations

The African Union (AU) will hold its first mid-year coordination meeting with the regional economic communities (RECs) in July 2019, in Niamey, Niger. The gathering is part of the move towards the continental body's plan for institutional reform, particularly the discussion around the division of labour between itself and the RECs.

The AU recognises eight RECs that are extremely diverse in many respects. They are the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC).

These RECs were created at different times with different mandates and subsequently evolved in their own ways. Added to that, the RECs have different strengths and weaknesses, with some RECs such as ECOWAS being able to carry out a wide-ranging mandate, while others such as ECCAS lack capacity and the political will to act when a member state is in crisis. Meanwhile others, such as the AMU, are paralysed by infighting and non-functional.

Ironically, the attempt to better coordinate AU-REC relations has its roots in what some analysts consider to be the original sin: the decision to gradually integrate regions made at the inception of the Organization of African Unity (OAU). At that time the alternative was 'integration here and now' – an option promoted by former Libyan leader Muammar Gaddafi and his allies, but ultimately rejected.

Addressing the division of labour

Decisions on the future division of labour between the AU and RECs require an adequate understanding of the current situation of each REC, as well the nature of their respective relationships with the AU so far. The labour to be divided could cover several areas, but addressing peace and security and governance challenges is indubitably one of the key priorities.

Thus the *PSC Report* this month analyses, using concrete examples, the potential challenges facing six of the RECs and the resultant implications for the division of labour between them and the AU, looking at peace and security, governance, elections, economic integration, civil society participation and the fight against terrorism.

The AU-REC relationship and the clear division of labour raise several questions, ranging from the poor capacity of certain RECs (or lack thereof)

Current PSC Chairperson

Her Excellency Mrs Hope Tumukunde Gasatura

Ambassador of Rwanda to Ethiopia and permanent representative to the African Union.

PSC members

Angola, Djibouti, Algeria, Equatorial Guinea, Gabon, Kenya, Liberia, Morocco, Nigeria, Rwanda, Republic of Congo, Sierra Leone, Togo, Lesotho, Zimbabwe

to financial constraints. What, however, appears more daunting, is the ability of the AU and RECs to strike a balance between properly institutionalising their relationship yet keeping it flexible enough to respond to fast-changing situations and threats on the ground.

Subsidiarity based on comparative advantage

One emerging consensus is that finding common ground could be achieved with a form of ‘functional subsidiarity’, through, in part, placing comparative advantage at the centre of the AU–REC division of labour wherever possible.

Subsidiarity is commonly understood as the principle that determines that regional structures should take the lead in situations occurring in their region or political jurisdiction. This is because of the recognition that regional structures are sometimes better placed to address issues within their direct purview.

However, subsidiarity also remains a largely unclear concept. As a result, the manner in which it has been applied over the years has done a disservice to a possibly more effective collaboration between the AU and the RECs, as demonstrated by the cases analysed in this special edition of the *PSC Report*. The challenges subsidiarity pose to AU–REC relations do, in fact, also affect the relationship between the United Nations (UN) and the AU (and by extension the RECs).

Bottom-up or top-down?

Bottom-up subsidiarity, i.e. the practice and ability of regional structures to take the lead, can in some instances be counterproductive. This happens where regional structures lack the capacity and/or political will to effectively tackle issues.

Similarly, tensions over the leadership of a particular engagement can also plague the relationship between the AU and RECs (and the AU and UN). A top-down approach, i.e. when the UN or AU takes the lead, has its own challenges, such as a lack of understanding, promptness, impartiality, or appropriateness of response. These have been the reproaches historically levelled against the UN, and at times the AU. Even in cases where subsidiarity has been implemented in efforts to address regional crises, questions remain as to when an issue should be taken over by the AU and vice-versa.

This is evidenced, for instance, by how the AU and ECCAS (and to a certain extent the UN) handled the Central African Republic (CAR) crisis when it first erupted between 2012 and 2014; and how the AU’s re-taking the lead on the CAR since late 2016 has started to bear fruit.

ECCAS took over the peace process in the CAR in late 2012 and was extremely reluctant to cede ground to the AU when the situation worsened following the overthrow of Francois Bozizé in March 2013. The African peace mission in the CAR eventually came under the formal umbrella of the AU, while ECCAS strove to retain the effective management of the crisis. This created an unnecessary battle of supremacy to the detriment of an effective collaboration between the AU and ECCAS.

The AU and SADC were at odds over how to address the DRC electoral dispute

More recently, the AU–SADC saga over the disputed elections in the Democratic Republic of Congo (DRC) is another testimony to the challenges of subsidiarity. The AU and SADC were at odds over how to address the DRC electoral dispute, which saw strong suspicions that the process had been tainted by electoral trickery.

On the other hand, the widely documented case of ECOWAS’s role in The Gambia in 2017 shows how subsidiarity, when applied efficiently and effectively, can work. ECOWAS leaders successfully negotiated the departure of former strongman Yahya Jammeh after it emerged that he had lost elections and was clinging to power.

At the same time, ECOWAS and the AU have been grappling with the issue of terrorism and the associated emergence of ad hoc response frameworks. These are potentially undercutting the avenues ECOWAS could use to learn how to address such a challenge.

The disparity between the various RECs, again, points to the fact that the division of labour will have to be done on a case-by-case basis; keeping in mind the ubiquitous question of subsidiarity. The aim is to attain a division of labour that is functional, for the benefit of the continent.

Ultimately, the July 2019 gathering will have to be the beginning of decisive action on addressing the challenges besetting AU–REC relations.

North Africa could benefit from a functioning REC

The principle of subsidiarity at the AU – the non-written rule that RECs should take the lead in solving conflicts in their region – is being put to the test in North Africa.

Attempts at solving the conflict in Libya would arguably have benefited from a strong regional organisation in North Africa; one that could exercise the powers and responsibilities that the principle of subsidiarity bestows. Yet the region is plagued by the conflict between Algeria and Morocco, as well as the absence of Egypt from its only REC, first created in 1989.

Following the return of Morocco to the AU in 2017, hopes renewed that the stagnant Arab Maghreb Union (AMU) could be revived. AU Commission Chairperson Moussa Faki Mahamat, during a visit to Morocco in June 2018, raised the issue during his meetings – a possible sign that North Africa could, in time, get a functioning regional organisation. This would, among other issues, enable the deployment of the North African Regional Capacity (NARC) within the framework of the African Standby Force (ASF).

Is there a REC in the North?

The main REC in North Africa is the AMU, founded 30 years ago in Morocco, with Algeria, Libya, Mauritania, Morocco and Tunisia as members. While it was an attempt to unite the region amid political rivalry among member states, it has been weakened by accusations of meddling in one another's domestic affairs and power contests over regional hegemony.

The AMU, which held its last high-level meeting in 2008, is inactive and lacks the capacity to take on any responsibilities at this stage. However, some developments in the region, such as Morocco's return to the AU, could contribute to reviving the AMU. In addition, the change of government in both Algeria and Libya may have the potential to change the dynamics in the region for the better, and help with the reactivation of the AMU.

Still, the AMU faces challenges in terms of representation and legitimacy, as AU member states such as Egypt and Western Sahara are still not members. This will make it difficult for the AMU to represent the AU in the North, as it is not inclusive.

Competing and overlapping membership

AU member states in North Africa belong to multiple and overlapping RECs and Regional Mechanisms (RMs). These include the AMU, the Community of Sahel-Saharan States (CEN-SAD) and the Common Market for Eastern and Southern Africa (COMESA). None of the North African states is a member of only one REC.

Except for Algeria and Western Sahara, all North African states belong to the 29-member CEN-SAD. CEN-SAD, which was initiated and funded by former Libyan strongman Muammar Gaddafi, is facing various challenges following his overthrow in 2011.

AU member states in North Africa belong to multiple and overlapping RECs and Regional Mechanisms

CEN-SAD and COMESA both have mandates to address peace and security issues. However, many CEN-SAD and COMESA member states are from West, Central and East Africa, and thus are also members of other RECs that are further advanced in addressing these issues. This has resulted in a vacuum, since there is no functioning REC that takes primary responsibility for ensuring peace and stability in North Africa.

Such overlapping membership, mandates and priorities in RECs have also resulted in competition over priorities and stretched financial resources, particularly those collected from member states. This makes it difficult to implement a REC's vision, especially relating to peace and security.

In this scenario, it is difficult to assign the division of labour not only between the AU and RECs but also among the RECs that operate in North Africa.

Map 1: The Arab Maghreb Union



Mandate for peace and security intervention

The AMU was initially tasked with setting up the North African Standby Brigade as the region's contribution to the ASF. However, it was unable to do so because Morocco was at the time not a member of the AU. This led to the establishment of NARC, which is based in Egypt and independent of any REC. It has never been deployed and it is unclear whether the AU or any REC commands NARC.

Morocco is still not a contributing member of NARC because Western Sahara – which is not recognised by Morocco – is a member. Morocco also has a seemingly tense relationship with Egypt. It criticised President Abdel Fattah al-Sisi for leading a coup against the elected president Mohamed Morsi in 2013 and is accused of ignoring Egypt's call to join the AMU.

Thus, NARC will face challenges in getting the political support and commitment necessary to deploy a mission in a region beset with rivalries, and where member states have different political agendas.

Coherence of purpose and action with the AU

The principle of subsidiarity is clearly problematic, especially when the position taken by RECs contrasts with that of either the Peace and Security Council (PSC) or the AU Assembly, or when there is an apparent conflict of interest. These tensions have critical consequences for the coherence of purpose and action within Africa.

2008

THE LAST MEETING
OF THE AMU

This is most apparent in situations where organisations outside Africa wield undue influence, such as the League of Arab States (LAS) in North Africa. In a move that illustrated the overall divisions in Africa over Libya, some Northern states' rejection of the AU's call for an 'inclusive transition' in Libya in favour of the LAS's position, legitimised the military intervention in Libya in 2011.

This divergence is indicative of other challenges ahead. These stem from the diverging goals and aspirations of the AU and the LAS, especially in terms of the AU's rejection of unconstitutional change of government. The LAS does not share this view, as illustrated by its earlier support for the removal of Gaddafi.

Overcoming the challenge of subsidiarity

The first step in applying the principle of subsidiarity in defining the division of labour between the AU and RECs – one of the aims of the AU reforms – is to define what it means in legal terms, when it can be applied and which organ decides its applicability. Clear policies and action plans should be developed that define which responsibilities RECs can implement independently, on both political and technical levels.

Clear policies should be developed that define which responsibilities RECs can implement independently

Such an articulation should ultimately overcome internal tensions and paradoxes that stem from the PSC Protocol and the Memorandum of Understanding between the AU and RECs/RMs. These give primacy to the AU and RECs at the same time. Modalities on how to apply the principle of subsidiarity in situations where the position taken by a REC is in conflict with that taken by either the PSC or the AU Assembly, or when there is an apparent conflict of interest, should be articulated.

Thus, the division of labour between the AU and RECs/RMs should be defined based on tangible experience rather than hard-to-grasp principles.

The lessons learned so far in terms of AU–REC collaboration should inform the process of defining the division of labour. The AU's role as the lead organisation in policy-level decision-making and coordination should also be clarified in unambiguous terms.

For the principle of subsidiarity to be applied, there has to be a primary REC to take on the responsibility of safeguarding peace and stability. This will help in overcoming delays in responding to crisis situations. The AMU will thus have to take on the primary role as regional representative in North Africa. This will involve becoming more representative by overcoming the intra-regional rivalries that continue to weaken it. This is the only way the AMU will garner the legitimacy to be able to intervene in crises and to coordinate and command NARC in the event the PSC approves a peace mission.

The League of Arab States

SPOKE OUT ABOUT
LIBYA IN 2011

Will South Africa bridge the AU–SADC divide?

On 29 April 2019, during a media briefing in Pretoria, the Southern African Development Community (SADC) launched its observer mission to the general elections in South Africa. A few days later the AU also announced its own team of 30 observers, led by former Tanzanian president Jakaya Kikwete, to the 8 May elections.

This joint effort between the AU and the regional economic community (REC) is nothing unusual. The two organisations have worked together in similar circumstances during elections in Zimbabwe, Madagascar, Lesotho and elsewhere.

The AU and SADC, however, do not always see eye to eye on how to deal with the aftermath of disputed elections. The two organisations have also disagreed strongly in the past few months over the post-Cotonou negotiations and certain crucial elements of the AU reforms. Ironically, part of the AU reforms is to find greater synergy between the AU and RECs – a process it aims to start during the upcoming AU summit in Niamey, Niger in July 2019.

Going forward, South Africa is likely to be at the centre of the relationship between the AU and SADC. The Southern African powerhouse is chairing the AU from January 2020 and will have to take the lead if disputes arise. This will also be an opportunity to mend fences.

Divisions over the DRC

At the end of 2018 and the beginning of 2019, SADC and the AU were sharply divided over the crisis in the Democratic Republic of Congo (DRC) following the disputed elections on 30 December. SADC and the AU were the only organisations permitted by the government of the DRC to send an observation mission to the highly charged polls, which had been postponed for two years.

The SADC observer team of fewer than 100 observers left the country directly after the vote and before the announcement of the results. It stated that the elections were ‘relatively well managed’. After initial dissent within its own ranks, SADC’s chairperson, Namibian President Hage Geingob, announced that SADC strongly supported the DRC government. He accepted the results on behalf of the organisation.

The attempts by Rwanda’s President Paul Kagame, then chairperson of the AU, to send a high-level mission

to the DRC on 18 January 2019 and to ask for a delay in the publication of election results, owing to ‘serious concerns’ over the outcome, was a low point in relations between SADC and the AU.

After first accepting the mission, SADC allegedly prevailed upon the Congolese authorities to publish the results that, contrary to expectations and to estimates by other observers, gave the victory to President Felix Tshisekedi.

At the February 2019 AU summit, SADC held its own pre-summit of heads of state in Addis Ababa where it affirmed its support for the newly elected Tshisekedi. In the end, the AU had to accept the principle of ‘subsidiarity’ and that without the support of SADC, attempts to intervene in the post-electoral crisis would be unsuccessful.

SADC is the biggest REC in terms of numbers and it usually takes the lead when it comes to crises in its region

The situation was made more complicated on a continental level because the DRC is a member of both SADC and the Economic Community of Central African States – the latter’s members staying largely silent about the crisis plaguing their big neighbour.

A more structured approach?

The question is whether a more structured relationship between SADC and the AU could contribute to greater synergy, and whether there is a need for a clearer division of labour between the AU and RECs when it comes to SADC. Could the DRC case have been handled better by the continental leadership if it was clear at what stage the AU could intervene and how joint mediation between the AU and RECs should be structured?

Historically, the issue of intervention in crises in SADC has been handled on a case-by-case basis. SADC with its 16 members is the organisation's biggest REC in terms of numbers, and it usually takes the lead when it comes to crises in its region.

In 2018 SADC took the lead during the highly disputed elections in Zimbabwe. However, it was accused of being biased towards the government of President Emmerson Mnangagwa and not pointing out the flaws in the process.

At the moment Zimbabwe, Angola and Lesotho are the three SADC members on the PSC

In Madagascar, in the run-up to elections in 2013 and again at the end of 2018, SADC also played an important role. It did so, however, in conjunction with the AU's special envoy Ramtane Lamamra, who was sent to the island to ensure pre-election protests did not spiral out of control.

The PSC rarely tables SADC issues

With the exception of the DRC, the Peace and Security Council (PSC) has shied away from tabling security issues in SADC during its meetings in Addis Ababa. The crisis in Zimbabwe, for example, never made it onto the PSC agenda despite the upheaval that followed the contested elections, political repression and economic woes from the early 2000s.

Former South African president Thabo Mbeki was appointed SADC mediator in Zimbabwe and oversaw the transition to a government of national unity that lasted from 2008 to 2013. Subsidiarity, i.e. leaving conflict mediation to the region, has considerable support in SADC.

At the moment Zimbabwe, Angola and Lesotho are the three SADC members on the PSC. It seems unlikely that Zimbabwe's current political tensions, with an opposition still refusing to accept the outcome of the polls, will be discussed by the PSC.

In August 2018 the PSC launched a rare field mission to Lesotho, a country that has suffered from political instability and attempted coups at several junctures

since independence. The PSC ambassadors recommended that SADC maintain its protection force beyond the cut-off date of November 2018, but the mission left the country as planned. It was clearly up to SADC to decide the limits of its mission in the country.

Following the field mission, the PSC stated its support for SADC efforts in the country. Lesotho has not been on the agenda of the PSC since then.

One exception to the rule of subsidiarity between SADC and the AU has been the Comoros, currently plagued by tensions following a controversial referendum to change the constitution. SADC seems to have left the problems in the Comoros to the AU, which has been involved in the country for some time.

What can South Africa do?

Taking over the chairpersonship of the AU next year is a huge challenge for South Africa. It will have to forge strategic partnerships with heavyweight countries on the continent and do as much as possible to steer the continent towards its goal of 'Silencing the guns by 2020'.

To achieve this, ensuring that the AU is united when dealing with crises will have to be a priority. Various peace and security issues are likely to remain a concern, such as Zimbabwe and Lesotho. The situation in the Comoros is also far from being resolved. New threats such as the continued attacks by armed groups in northern Mozambique will also have to be addressed by SADC and the AU.

While it is likely that crises will still be handled on a case-by-case basis, a more structured approach, with more regular interaction on key issues, will create greater synergy. South Africa can contribute to this synergy by ensuring dialogue between the decision makers in the AU Commission in Addis Ababa and SADC ambassadors.

Taking forward gains made during the Niamey summit to institutionalise the AU-RECs relationship will also fall on South Africa's shoulders in 2020. This is no easy task given its dominant position in the region. The challenge for South Africa will be to get the buy-in of its fellow SADC members in order to succeed in leading from the front in Addis Ababa.

The EAC's upheavals could be a blessing in disguise

As the 38th meeting of the East African Community (EAC) Council of Ministers got underway at the EAC headquarters in Arusha, Tanzania in early May, questions were asked about the current threats to the trade bloc, including accusations of 'trade wars' and border closures between Rwanda and Uganda.

Many are concerned about whether the region will be able to transform these woes into strengths through successful mediation by countries such as Kenya. There are also questions about its ability to continue taking a lead in Africa's transformation into a continental economic bloc.

The EAC is one of eight regional economic communities recognised by the AU as building blocks of the envisaged African Economic Community.

One of the more ominous questions was whether the community would for a second time survive the upheavals that saw it come crashing down in 1977, at the height of a customs union success. Will political differences between leaders and feuds between member states halt the momentum it has achieved in the short period since its relaunch in July 2000? Will the new EAC remain possibly Africa's most successful case for regional integration?

Would the community for a second time survive the upheavals that saw it come crashing down in 1977?

Recent headlines such as 'Kigali accused of fueling troubles in Burundi', 'Uganda, Rwanda feud restricts free movement' and 'Will Uhuru Kenyatta mediate Uganda, Rwanda row?' echo the difficulties that precipitated the collapse of the old EAC. Tensions between Rwanda and Uganda, on the one hand, and Burundi and Rwanda, on the other, remain high and threaten progress within the bloc of six countries with an estimated population of 195 million.

The EAC five-day ministerial meetings between 6 and 10 May were set to consider 'several matters geared towards deepening and widening the regional integration agenda'. These included reviewing plans for

the establishment of a common currency and a political federation. Discussions of these plans began at the February 2019 summit, where President Paul Kagame of Rwanda took over the presidency from his Ugandan counterpart Yoweri Museveni.

Africa's fastest growing region

The success of such plans will confirm the community's reputation as the most rapidly integrating regional economic bloc over the last few years. This is perhaps because of the need to make up for lost time after its relaunch and its pursuit of the ultimate goal of political federation.

Since its rebirth on 7 July 2000, with three original member states – Kenya, Uganda and Tanzania – ratifying the treaty of establishment, the regional bloc has expanded beyond its old borders. Burundi and Rwanda became members in July 2007, while South Sudan joined in September 2016. The former have also joined the customs union, which became operational in January 2005.

The EAC is also 'the fastest growing region on the continent with a robust GDP growth forecast of 5.9 percent from an estimated 5.7 percent in 2018', according to the African Development Bank's 2019 African Economic Outlook.

A potential locomotive for the continent

Following the ratification of the African Continental Free Trade Area (AfCFTA) by the required 22 countries, the AfCFTA is now set to enter into force on 30 May 2019. Heads of state are expected to hold an official launch for the trade bloc in Niamey, Niger ahead of the AU coordination summit in July.

The EAC, with its vast experience, could contribute to this ambitious continental project. However, it first has to overcome its current difficulties. With the disintegration ghost in the EAC's history threatening to resurface,

icy diplomatic ties and accusations of a 'trade war' from both Kampala and Kigali precipitated the 27 February closure of the Katuna/Gatuna border post between the two countries. This closure of the busiest crossing point between the countries has drawn in Kenya's mediation, which stands to lose from an escalation in the trade stand-off.

Rwanda closed the border post to stop its nationals from crossing into Uganda, allegedly to protect them from what officials termed 'illegal arrest, torture, harassment and deportation by Ugandan authorities'. On its part, Uganda accused Rwanda of espionage and infiltration of its security agencies.

The EAC, with its vast experience, could contribute to this ambitious continental project. However, it first has to overcome its current difficulties

Two months later, as the countries sought to end the impasse through diplomatic channels, signs emerged that tensions were easing as Rwanda allowed Gatuna residents to cross the border. Other Rwandans, however, were still prevented from crossing at Gatuna.

Kenya's diplomacy put to the test

Kenya's success or failure will allay or intensify fears of an EAC break-up. It will determine whether the current threats of disintegration and internal conflict can be transformed into strengths that can take the regional bloc forward.

The country's hand has been strengthened by its February re-election to the AU's Peace and Security Council (PSC). Its diplomatic status is likely to receive a further boost as it lobbies for a non-permanent seat at the UN Security Council for the 2021–22 term. These factors also raise hopes of Kenya's successfully weighing in on the ongoing attempts to resolve the crises in Burundi and South Sudan.

The consequences of an EAC collapse would be felt across the region and beyond, at a time of economic slowdown in China, a protracted Brexit, turbulence in Europe, trade wars between the United States and other major world powers, and cautious optimism about sub-Saharan African economies. Turning the current upheaval into a positive could shape a stronger region that is likely to tower above others in terms of economic growth and trade opportunities.

An alternative economic bloc

The EAC should therefore build on Ethiopia's current optimism and enthusiasm to further regional trade by negotiating an alliance beyond the EAC borders through an inclusive economic arrangement. This would lead to an alternative economic bloc or regional realignment that takes into account geo-political realities. It would also take advantage of East Africa's rapid economic growth and potential to spearhead continental integration.

195 million
people

LIVING IN THE EAC

The AU re-takes the lead in Central Africa

At a time when the AU seeks to re-evaluate and redefine its relationship with RECs, the Central African Republic (CAR) provides a test case for the tricky relationship between these two levels of African governance.

The AU and the Economic Community of Central African States (ECCAS) have taken turns leading the peace process in the CAR. Earlier on in the crisis, in 2013, this was done to the detriment of a proper collaborative approach that could have yielded a better outcome for the CAR and its people.

The idea of a division of labour between the AU and RECs – the AU and ECCAS, in this case – is a noble one. However, it risks colliding with the reality of power politics and the complexity of applying the principle of subsidiarity.

AU and ECCAS hesitate to speak out about Central Africa

ECCAS is the subregional organisation for the central African region as recognised by the AU. Its members are Angola, Burundi, Cameroon, the Central African Republic (CAR), Chad, the Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of Congo, Rwanda and São Tomé and Príncipe.

A proper collaborative approach could have yielded a better outcome for the CAR and its people

Over the past few years the relationship between ECCAS and the AU on questions of conflict prevention and management has been complex. For instance, ECCAS has been silent on the situation in Gabon. However, the AU issued a communiqué in November 2018 in response to the unilateral constitutional amendment made by Gabon's constitutional court, the second controversial constitutional change that year. ECCAS has been equally silent about Burundi, while the AU has, on several occasions, particularly in 2015, looked into the situation there.

Both ECCAS and the AU have, however, refrained from engaging in Cameroon, notably in what is now an

open conflict in the north-west and south-west regions of the country.

Political instability has also rocked Chad and the Republic of Congo. In Chad, in 2018, a constitutional amendment reinforced the powers of the president. Meanwhile the country saw a wave of social protests and a rebellion taking root in the north that threatened the N'djamena regime and was quelled with the help of the French military.

In the Republic of Congo, a 2015 controversial referendum was held to allow the president to run for a third term. This was followed by a botched presidential election that led to the crisis in the Pool region of the country, with dire humanitarian consequences. Neither ECCAS nor the AU arbitrated in those cases.

The Central African Republic: a revealing case

The CAR provides a good illustration of the complex relationship between ECCAS and the AU, as well as potential lessons for how they could better work together.

When the CAR conflict erupted in 2012, ECCAS was present in the country through the *Mission de consolidation de la paix en Centrafrique* (MICOPAX), deployed in 2008. In 2012 ECCAS conducted the first mediation engagements between the CAR government and the Seleka rebel group, leading up to the signing of the January 2013 peace agreement in Libreville, under the aegis of the subregional body. ECCAS was therefore involved in what could be described as an attempt to prevent a conflict that nonetheless erupted and swept away the regime of president François Bozizé in March 2013.

The coup triggered the AU's suspension of the CAR. While the AU took a firm position on the matter and applied its rules relevant to such cases, ECCAS was more conciliatory. It found a compromise to legitimise the Seleka regime by creating a transitional arrangement, with transitional authorities. ECCAS's position was

determined by key countries of the region and their interests, in particular Chad and the Republic of Congo.

The escalation of the conflict led to the involvement of the AU, and discussions about collaboration with ECCAS officially began in July 2013. The aim was to eventually move from an ECCAS to an AU mission.

Negotiations between the AU and ECCAS

The relationship between the AU and RECs was, at the time, essentially captured and codified in a 2008 Memorandum of Understanding (MOU) on collaboration in the area of peace and security. This memorandum was, however, not clear enough to guide engagements between the AU and ECCAS on the CAR. In that regard, the two organisations signed another MOU in December 2013 during the *Elysée* (France) Summit on peace and security in Africa.

ECCAS sought to retain control over the crisis management and peace process in the CAR

Significantly, the December 2013 MOU was the culmination of a long process of negotiation where ECCAS sought to retain control over the crisis management and peace process in the CAR. In effect, although the African-led International Support Mission to the Central African Republic (MISCA) replaced MICOPAX, the leadership and composition of the mission remained largely that of ECCAS countries. This was reflected in the MOU.

The passing of the baton from MICOPAX to MISCA came with its own hiccups, with reports that the transfer of funds to troops did not occur swiftly enough, leading to soldiers' lacking the most basic of necessities for some time. At the same time, ECCAS prevailed over the political process. The organisation held a summit in January 2014 in N'djamena that saw the forced resignation of transitional president Michel Djotodia and his prime minister, Nicolas Tiangaye. In July 2014 the International Contact Group on the CAR, under the leadership of ECCAS mediator and president of the Republic of Congo Denis Sassou Nguesso, convened the Brazzaville forum for peace and reconciliation in the CAR.

A battle was thus being waged between ECCAS and the AU on who would have the upper hand in the management of the CAR conflict. There was, at that moment, a clear reluctance on the part of ECCAS to abandon the CAR to an AU it deemed removed from the reality of the conflict. Some of the leaders in the region also wanted to keep control over the protagonists in the CAR for the sake of their countries – and for their own personal interests.

A highly political division of labour

Clearly, the question of who takes the lead between the AU and the RECs, in this case ECCAS, is a highly sensitive and political matter that requires a clear and flexible framework of engagement.

2012

THE START OF THE
CRISIS IN THE CAR

The United Nations Multidimensional Integrated Stabilization Mission in the CAR (MINUSCA) eventually took over from MISCA in September 2014. ECCAS and the AU then resorted to playing second fiddle, until the AU decided to revive the CAR peace process with its Initiative for Peace and Reconciliation in the CAR, starting in late 2016.

Today, the AU has made major strides in the peace process in the CAR with the signing, in February 2019, of a peace agreement between the government and 14 armed groups. When the implementation of the peace deal encountered challenges, the AU called for a meeting between the parties (government and armed groups) in Addis Ababa in March 2019 that saved the agreement.

The AU has since remained steadfast in its monitoring of the agreement, with a visit of the commissioner for peace and security and his team to follow up on the Addis Ababa meeting and the implementation of the peace agreement.

A need to clarify roles

It is evident that the relationship between the AU and ECCAS needs to be clarified in such a way that the two organisations do not have to sign ad hoc memoranda when a situation must be tackled.

The CAR example shows that ECCAS has the potential to conduct conflict prevention through mediation, but it has shown scant regard for the democratic principles that the AU purports to defend. At the same time, the situation in the CAR was particular and explosive enough to warrant such action by ECCAS.

In what is classically considered crisis management, the AU has shown, in the case of the CAR, its ability to lead a mediation process

The AU and ECCAS have to find a workable method for conflict prevention in the region. Both organisations have shown reluctance in too many cases, whether it be addressing impending or ongoing precarious situations such as in the Republic of Congo during the Pool crisis or during Cameroon's so-called anglophone crisis, or addressing structural drivers of conflict in the region.

In what is classically considered crisis management, the AU has shown, in the case of the CAR, its ability to lead a mediation process. This it can replicate going forward, especially as regional political dynamics may sometimes interfere or adversely affect peace talks.

Finally, and perhaps easier to achieve, the AU and ECCAS should work out clearer guidelines for the deployment of peace missions to ensure timely, reliable and effective deployment or handover between the two organisations.

February
2019

THE LATEST CAR
PEACE ACCORD

ECOWAS struggles to address violent extremism

The threat of violent extremism in the Sahel has now become one of the biggest challenges for countries in West Africa. So far, the Economic Community of West African States (ECOWAS) has failed to respond adequately. This is largely owing to the rapidly changing nature of the security threats in the region that have presented it with new difficulties. Established norms and response frameworks are being put to the test.

The spread of jihadist groups

Jihadist groups have over the past few years been able to successfully mobilise and radicalise people in the Sahel, a region plagued by systemic, political and socio-economic problems. These groups are now spreading to the coastal states. Numerous such groups have emerged in recent years, including Ansar Dine, al-Qaeda in the Islamic Maghreb (AQMI) and al-Mourabitoum.

The situation is constantly evolving. In 2012, for instance, AQMI was the main group operating in Mali. However, by 2018 there were about 10 groups operating across Mali, Niger and Burkina Faso. This development illustrates the rapid spread of jihadist activities that are either home-grown or a spillover of the activities of terrorist groups from other parts of the region.

The emotive appeal of these groups to disgruntled local populations, their rapid splintering and their flexibility in adapting to responses make the phenomenon of violent extremism difficult to curb. The connections between violent extremism and other threats (smuggling, kidnapping and other forms of organised crime) in the region's vast ungoverned spaces have contributed to this changing security landscape in the Sahel.

Can ECOWAS address violent extremism in the region?

Over the last few decades, ECOWAS has been one of Africa's most active RECs when it comes to solving conflicts and dealing with governance. This has been evident in the way ECOWAS has dealt with numerous peace and security challenges, dating back to those in the Mano River Union area in the 1990s, and the most recent instabilities in Mali and The Gambia.

Since the rise of the jihadist threat, ECOWAS has developed a three-pronged counter-terrorism strategy to guide regional action to prevent, pursue and reconstruct violent extremist activities. Beyond the strategy, however, the existing response mechanisms are not as adaptable as the threats they are meant to address. This is particularly true of non-military responses. Despite the existence of a regional framework, therefore, violent activities associated with extremist groups in the Sahel have continued to increase year by year since 2016.

10

EXTREMIST GROUPS
IN MALI

As Nigeria's response to Boko Haram has shown, military responses alone are not sufficient for dealing with extremist groups. For ECOWAS to deal with the threat of extremism it will have to adapt existing response mechanisms in line with the fast-changing nature of the threat, as its tested conflict response frameworks are not the most appropriate for dealing with extremism.

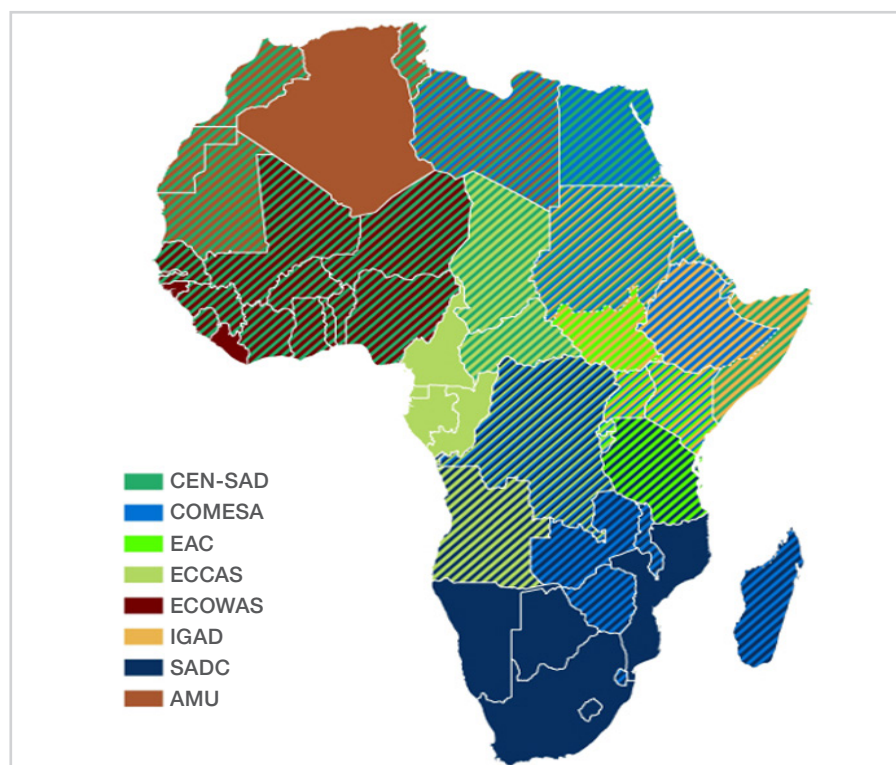
The merits of ad hoc response structures

West Africa currently hosts two major non-ECOWAS ad hoc response structures mandated by the AU and involving multiple ECOWAS member states. The Joint Force of the Group of Five of the Sahel (G5 Sahel), comprising Chad, Mali, Mauritania, Niger and Burkina Faso, is meant to address violent extremism concerns in the Sahel. The Multinational Joint Task Force (MNJTF) is mandated to address the Boko Haram problem in the Lake Chad Basin with troops from Benin, Cameroon, Chad, Nigeria and Niger.

West Africa currently hosts two major non-ECOWAS ad hoc response structures mandated by the AU

The emergence of the two arrangements raises a number of important questions for both continental and regional response efforts. Firstly, their operations add to the already over-crowded security response landscape in the Sahel, in which multiple security partners –including the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the French-led Operation Barkhane – are operating.

Map 2: The eight RECs recognised by the AU



G5 Sahel
MNJTF
AD HOC MECHANISMS
AGAINST TERRORISM

Secondly, even though the achievements of the ad hoc arrangements will add to greater security in the ECOWAS region, the fact that their emergence fills a response gap signifies apparent shortcomings in the REC's efforts to address threats.

Thirdly, challenges are created when multiple member states participate and functions overlap in dealing with the various dimensions of the violent extremism threat in the Sahel.

At the continental level, it is clear that the AU has not been able to translate the Algiers Convention on the Prevention and Combating of Terrorism into practical solutions to violent extremism over the last two decades, hence the need for subregional ad hoc responses.

The role of regional powers

The inability of ECOWAS to take centre stage in the regional response to violent extremism draws attention to some of the challenges subregional efforts face in dealing with threats when regional powers are host to insecurity.

In the case of the Boko Haram threat, ECOWAS has not been able to play a major role partly because of Nigeria's dominant position in the region and the complexities that would surround Nigeria's reaction to such a move. Respect for regional powers and issues of national pride make it difficult for 'small' neighbours to mobilise efforts to address threats in 'big' countries, even when such threats warrant a regional response.

It also draws attention to trans-regional threats. The Boko Haram crisis, for instance, has affected the entire Lake Chad Basin and thus impacts both West and Central Africa. This makes it difficult to anchor a regional framework on either ECOWAS or the Economic Community of Central African States (ECCAS).

Response frameworks that are rigidly regional encounter inter-regional geo-political challenges. Ad hoc arrangements, such as the MNJTF and G5 Sahel, provide an important means of dealing with such trans-regional threats without the complexities associated with the geo-political dimensions of the spread.

However, such trans-regional ad hoc arrangements confuse the emerging subsidiarity norms around the

eight RECs recognised by the AU. They therefore need to be handled cautiously and coordinated properly at the continent level.

Do ad hoc structures weaken ECOWAS?

The major challenge for ECOWAS in the operations of ad hoc structures in the region is the overlap of troop contributions by member states. Chad and Niger contribute troops to both the MNJTF and G5 Sahel, and to MINUSMA. In a region where national military capacities are limited, the inability to properly coordinate existing efforts at the ECOWAS or AU level can lead to overstretch. This has implications for overall commitments to emerging regional arrangements, such as the ECOWAS Standby Force.

ECOWAS's inability to lead important responses such as the fight against Boko Haram also has implications for the perfecting of regional mechanisms, the consolidation of regional norms and the projection of relevance.

Ad hoc arrangements such as the MNJTF and G5 Sahel provide an important means of dealing with such trans-regional threats

Nonetheless, RECs must be flexible in using ad hoc structures in their response to security threats in order to deal with fluid issues such as violent extremism. In this case, since ad hoc frameworks provide an avenue for addressing the challenge associated with the trans-regionality of extremism, they should be supported if they provide the best solution in terms of the nature of the extremist crisis.

There is also a need for continental consensus on the use of such arrangements so as to harness the support of member states. The proliferation of ad hoc mechanisms is not problematic in itself. However, if these mechanisms are not adequately coordinated within regions, across regions and at the AU level, they can be a source of geo-political tension in continental efforts to address security threats.

The use of ad hoc mechanisms can also deny RECs the opportunity to fine-tune existing regional frameworks by responding to actual threats.

The Horn of Africa should improve citizen engagement

In July 2019, in addition to deliberating on the division of labour between the AU and RECs, AU member states should also focus on ways to include civil society in formulating policy and making decisions. This applies to all the RECs, especially those such as the Intergovernmental Authority on Development (IGAD) that have minimal interaction with civil society.

The inclusion of civil society would make the AU more relevant and responsive to the real needs of citizens. Civil society can also provide oversight of decisions and spending by the AU Commission. In addition, civil society organisations (CSOs) should be included in briefings to the AU continental early warning mechanisms and discussions by the Peace and Security Council (PSC). This would help the AU to get a real understanding of what is happening on the ground and how to respond.

A disconnect with citizens

When the Organization for African Unity (OAU) became the AU in 2002, there were expectations that the organisation would transform into a union of Africans rather than a union of African leaders. Yet almost 20 years later, there is still a disconnect between the AU and ordinary citizens. The AU reform process that began in 2016 emphasised that connecting the AU with the African citizenry was one of five key areas requiring urgent action.

RECs benefit from proximity to their citizens and should, in theory, play a critical role in addressing the gap between the AU and citizens. Some RECs are more advanced in engaging citizens than others. The Economic Community of West African States (ECOWAS), the East African Community (EAC) and the Southern African Development Community (SADC) have regional parliaments, forums for non-governmental organisations (NGOs) or regional tribunals where citizens should be able to participate or raise their grievances.

However, other RECs, such as IGAD, are struggling to implement their own policies when it comes to citizen engagement.

The AU is aware of citizens' demand for greater inclusion. The need to involve CSOs in AU–REC coordination was highlighted by the decision of the 11th Extraordinary Session of the AU Assembly in November 2017. This decision stated that 'the involvement of key non-state

actors such as the private sector, civil society, academia and the public at large is limited' in harmonising integration between the AU and RECs.

Besides vertical coordination between the AU and IGAD, horizontal coordination should also be emphasised. This will enable ECOWAS, the EAC, SADC and IGAD to share experiences and best practices.

Suspicion of CSOs hamper their inclusion

The AU and IGAD have collaborated on various issues, particularly peace mediation and conflict resolution in Somalia, Sudan and South Sudan, as stipulated in the AU–REC Memorandum of Understanding. However, other than cursory inclusiveness, especially during the South Sudan peace process, AU–IGAD collaboration has by and large been devoid of any citizen participation.

AU–IGAD collaboration has by and large been devoid of any citizen participation

The AU and IGAD do have legal provisions and structures to include civil society, such as the IGAD NGO/CSO forum, but these structures are generally not functional. Member states have insisted on only including CSOs that are government-affiliated in the CSO forum. This is mostly because of a bias against civil society's participation in decision-making.

The viewpoint that policy formulation and decision-making are the prerogatives of states is at the heart of civil society's exclusion. Policy actors at both the AU and IGAD believe they are doing civil society actors a favour by occasionally including them, rather than respecting their fundamental rights as set out in the legal provisions of the founding documents of these institutions.

The participation of pan-African CSOs is also sometimes hindered by suspicions over their sources of funding, even though both the AU and IGAD also receive funding

from external sources. As a result, citizens find it difficult to access organisations such as the AU and IGAD.

Dysfunctional ECOSOCC a major obstacle

Within the AU, the Economic, Social and Cultural Council (ECOSOCC) is mandated to coordinate CSO engagement with the PSC, at least once a year under a specific theme. At other times, CSOs may address the PSC when invited to do so by the PSC chairperson or members of the PSC. CSOs may also submit reports to the AU Commission for its consideration during PSC meetings, but only through ECOSOCC.

However, ECOSOCC is currently not functioning as it should. As such, CSO access to the PSC is limited.

IGAD's forum for CSOs also dysfunctional

Within IGAD, the NGO/CSO Forum was mandated by the eighth Summit of IGAD Heads of State and Government in 2002 to provide a framework for CSO cooperation with IGAD. Although the forum was established in 2003, it has not been functional for many years. It was also never able to create a platform for policy engagement at any level. ECOSOCC was mandated by the 2008 protocol to create linkages at the REC level, but this has been impossible given that both ECOSOCC and the IGAD NGO/CSO Forum are inactive.

The PSC Protocol (Article 8 (10)) allows for 'any international organisation or civil society organisation involved and/or interested in a conflict or a situation under consideration by the PSC, to be invited to participate, without the right to vote, in the discussion'. Therefore, CSOs should be given more opportunities to be including in the PSC discussions.

Pan-African CSOs should be able to apply directly to the PSC Secretariat or chairperson to put items on the agenda, until ECOSOCC is fully functional. This broadens the continental policy arena and makes it more inclusive.

CSOs should be involved in early warning

Another mechanism that might help to amplify the concerns of African citizens and table them for decision-making is the early warning mechanisms: the AU's Continental Early Warning System (CEWS) and IGAD's Conflict Early Warning and Response Mechanism (CEWARN). Civil societies make significant contributions to CEWS and CEWARN.

The framework for the operationalisation of CEWS stresses the need for collaboration with CSOs in conflict prevention as a prerequisite for achieving peace, security and stability in Africa.

Within the CEWARN structure, CSOs are both early warning and response partners in pastoral conflicts. If CEWARN's mandate is expanded beyond pastoral conflicts, it has the potential to collaborate with CEWS in highlighting all conflicts that affect citizens in the Horn of Africa.

Formalising technical-level CSO engagement

Meanwhile, technical-level cooperation between the AU and IGAD can be a mechanism for citizen participation in policy formulation and decision-making. At the technical level, both the AU and IGAD work towards improving African peace and security. Specialised offices implementing specific programmes involve CSOs through technical expert consultations and information exchanges, joint planning, coordination, analysis, implementation, evaluation, and capacity enhancement.

Technical-level cooperation between the AU and IGAD can be a mechanism for citizen participation

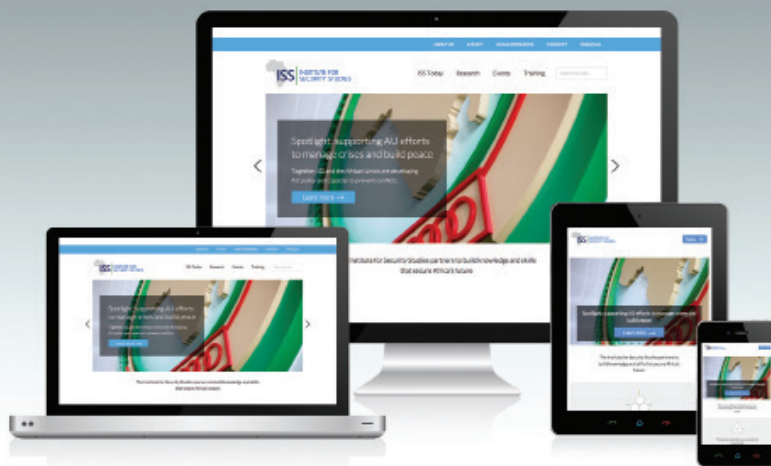
Involving CSOs at such technical levels allows them to contribute to policies and frameworks at a formative stage. This has the benefit of nuancing and contextualising an understanding of issues with CSO perspectives. CSOs can also contribute to translating AU and IGAD policies and legal frameworks into effective implementation plans and actions by giving processes legitimacy and getting citizen buy-in. In addition, they can monitor the implementation and impact of policies.

These technical-level engagements should be mainstreamed and formalised, by developing a roster of expert pan-African CSOs that should be engaged in different thematic areas. CSO desks or focal points could be set up within AU and IGAD departments and divisions, to continually follow up on and ensure CSOs' inclusion.

Thus, if the AU and RECs are to remain relevant to citizens, the upcoming AU-REC Coordination Summit should address how the AU can coordinate civil society engagement with RECs, in a bid to transform these intergovernmental organisations into citizen-centred organisations.

Visit our website for the latest analysis, insight and news

The Institute for Security Studies partners to build knowledge and skills that secure Africa's future



Step 1 Go to www.issafrica.org

Step 2 Go to bottom right of the ISS home page and provide your subscription details

About the PSC Report

The Peace and Security Council Report analyses developments and decisions at the African Union Peace and Security Council (PSC). The monthly publication is the only one of its kind dedicated to providing current analysis of the PSC's work. It is written by a team of ISS analysts in Addis Ababa.

About the ISS

The Institute for Security Studies (ISS) partners to build knowledge and skills that secure Africa's future. Our goal is to enhance human security as a means to achieve sustainable peace and prosperity. Using its networks and influence, the ISS provides timely and credible analysis, practical training and technical assistance to governments and civil society.

Contributors to this issue

Mohamed Diatta, ISS Addis Ababa researcher
Liesl Louw-Vaudran, ISS senior research consultant
Andrews Attah-Asamoah, ISS senior research fellow
Shewit Woldemichael, ISS Addis Ababa researcher

Contact

Liesl Louw-Vaudran

Consultant to the *PSC Report*

ISS Pretoria

Email: llouw@issafrika.org

Acknowledgements



The publication of the PSC Report is made possible through support from the Government of the Netherlands, the Government of Denmark and the Hanns Seidel Foundation. The ISS is also grateful for the support of the following members of the ISS Partnership Forum: the Hanns Seidel Foundation, the European Union and the governments of Australia, Canada, Denmark, Finland, Ireland, the Netherlands, Norway, Sweden and the USA.

© 2019, Institute for Security Studies

Copyright in the volume as a whole is vested in the Institute for Security Studies and the authors, and no part may be reproduced in whole or in part without the express permission, in writing, of both the authors and the publishers.

The opinions expressed do not necessarily reflect those of the ISS, its trustees, members of the Advisory Council or donors. Authors contribute to ISS publications in their personal capacity.

ISSN 2075-6232

