

# **The Art of Crafting Decisions on Peace and Security Issues in Africa: Case of African Variants, in Contribution to the Continuous Implementation of the African Peace and Security Architecture**

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## **Prima Facie Points**

- A higher level of socio-economic development is necessary in order to lay a strong foundation for promoting peace in Africa. Once conditions for lasting peace are put in place, it becomes relatively easier to increase momentum in the area of socio-economic development. Hence, the so-called inter-twining between development and peace.
- The African Peace and Security Architecture (APSA) is a reliable framework, which was developed in Africa, by Africans and for Africans, as well as for the world at large. A peaceful Africa is vital for global peace and vice-versa. The APSA has both a direct objective and an indirect objective. The direct objective is to bring up and keep, in a sustainable manner, stability and security, these being the twin parents of any durable peace, through a network of institutions and mechanisms which operate in a coherent way towards a shared target - the APSA is well known for such institutions and mechanisms. This point requires more frequent emphasis in Africa, as there is a tendency in the continent to pursue peace for peace, and to always ventilate that without peace, there can be no development. It should not be expressed in such a simplistic manner – for example, in one case, that of Somalia, a country that has known violent conflict for a long time, parts of the country have witnessed phenomenal socio-economic development amidst conditions of conflict; in their conditions of collapsed state institutions, starting 1991, following the fall of the central government, the Somalis got to learn more effectively how to provide for life, in the absence of a central political authority, through entrepreneurship in the private sector. Thus, it should always be borne in mind that ever increasing quantity and quality of socio-economic development is the locomotive for attaining strong peace – a peace that is so deep-rooted that it gets much harder for anyone to violate. The indirect objective of the APSA is to foster conditions conducive for socio-economic development.
- The skills and capabilities in crafting decisions on issues of peace and security still remain relatively more developed within technical support teams (political officers and experts), as compared to the level of skills and capabilities available within the African inter-state organs charged with responsibilities for promoting and maintaining stability and security, which are the twin parents of sustainable peace in Africa's case. Something stable and secure is much more likely to continue on its path and produce the expected results; inversely, an unstable and

insecure entity runs the risk of falling and disintegrating along the path, which, in itself, brings more problems than solutions. Thus, fundamentally, Africa has a duty to itself to upkeep stability and security as the foundations of lasting peace.

- Africa and its people are capable of ending wars on the continent, which wars continue to destroy the social and economic base. The first quarter of the 21<sup>st</sup> century is a barometer juncture at which Africa should lay conditions necessary for liquidating wars and concentrate all available faculties and resources towards raising the quantity and quality of socio-economic development. In so doing, Africa must also work to produce peaceful women and men at home – undeniably, women and men are only peaceful to each other and for each other, when, for each one of them, the satisfaction of basic social, political, material needs of life is kept ever in a guaranteed manner. Most of these wars, including those emanating from conditions left behind by colonialism (arbitrary borders, dissected ethnic groups, impoverished interior hinterlands, forced inequality across groups, etc) in Africa are due to an incomplete understanding of descent life. When leaders and citizens have a shared understanding of descent life, what would be the reason for fighting each other, if each one is living in decency and dignity? Wasn't it that the Africans opted to rise against, fight and destroy colonial rule and Apartheid, as these two did not give a descent and dignified life to the Africans? But nowadays, our understanding of descent life in Africa is rapidly improving, thereby creating more opportunities for abolishing undeserved wars on the continent.

## **Introduction**

As a matter of principle, the duty of crafting, negotiating, finalizing and adopting decisions on peace and security issues rests on a State and on Member States of a given regional and international entities. It is a political exercise, requiring a sovereign engagement, either in a direct or indirect manner. Any Head of State and Government can assign his or her plenipotentiary to enter into political and diplomatic discussion with other interested actors and parties for purposes of eventually crafting and negotiating a decision on a given issue. Thus, naturally, there is always a political principal and his or her agent, and the former can go into crafting process, or provide agency to do it under guidance. So, there is no such thing as autonomous crafting and negotiating decisions, as this process has to be conducted under a high political referee. As a matter of principle, also, crafted and adopted decisions can only see practical value on the ground when a high political referee gives assent. And, so, whilst a decision agreed on by agents of political referees and found to be untimely or erroneous, can be revoked, that agreed upon by political referees can simply be shelved for no effect, or superseded by another decision with favor of the political referees. Furthermore, and as a matter of principle, the binding effect of any given political decision derives from the favor that high political referees deposit in it. But can one ask a question to say – when does the binding effect on a given decision end? Well, the binding effect stays for as long is necessary to achieve the purpose for which that decision was taken. Once the purpose is fulfilled, the decision loses its active life and is retired.

On the nature of conflicts in Africa, many observers have noted that Africa is mostly dominated by intra-state conflicts since the end of the Cold War in 1989/90. Internal strife, violence and war have torn apart the fabric of the State and created unhappiness for millions of people, with some becoming refugees, internally displaced persons and people in despondency, with little or no hope for the future. Indeed, when it comes to the issue of peace and security in Africa, one will obviously notice two things. The first one is the persistence of violent conflicts and continued eruption of crises that have high potential to degenerate into violence. This persistence is not because Africa and its people are naturally violent – that is not so. Rather, it is the interplay and cross-fertilization between endogenous (internal) and exogenous (external) factors that propel and upkeep that persistence. The second thing is the manifest determination and efforts of the continent's leaders and people to reign in, end the violent conflicts and neutralize their underlying causes and related triggers, as well as to neutralize crises and their generative factors. It is these two things that have fostered wisdom in Africa and its people to put in place a deliberately tailored continental architecture – the African Peace and Security Architecture (APSA) – to enable, within Africa, the marshaling of effective responses to the phenomena of violent conflicts and explosive crises in Africa.

Now, before delving into the issue of developing the art of crafting decisions for African peace and security organs, I need to briefly talk about the APSA. The APSA is an architecture (which is a terminology for physical construction) because, it is actually a form of organization and institutional construction, conceived and established to function just like a building does – to shelter people, goods, services, materials or animals and birds. The APSA is designed to function as a shelter of peace, security and stability, as well as wellbeing and prosperity of Africa and its people. The primary conception of the APSA dates back to 1994, with the sad event of the Rwanda genocide – a genocide that was not supposed to ever come in post-colonial Africa, but that unfortunately came. It took from 1994, to 2002, the year of the birth of the African Union (AU), the successor to the Organisation of African Unity (OAU), for the thinkers/brainstormers, policy and decision-makers to arrive at the comprehensive essence of the APSA.

The local communities are the foundations of the APSA. They are the epicenter from which conflicts or crises start, and it is them who suffer most from such disruptions of life. Then comes the country, which the national/multinational level. On top is the layer of the region, which is the regional level of the APSA – this level corresponds to the entities that we call in Africa 'Regional Economic Communities and Regional Mechanisms for Conflict Prevention, Management and Resolution'. Then comes the continent of Africa, which represents the continental level (highest level) of the APSA, and this level is institutionalized as the AU. It is just like a material/physical building, with the only difference that the APSA is a locomotive process – it embodies movement, in both horizontal and vertical directions, by various actors, at different levels. So, one sees four layers from bottom up, or from top down, that essentially constitute the APSA. In these four layers, one finds both 'state actors and non-state actors', as known in political science. State actors are independent and sovereign entities and interact through inter-governmental organs, institutions and processes. There is, however, another general level that is important to add – the international/global level, as

represented by the United Nations system and other international political organisations (European Union, League of Arab States, Organisation of American States, Organisation for Security and Cooperation in Europe, etc). What happens in Africa and its organisations affects what happens at the international/global level and vice-versa. So, there is a fifth layer, though less salient, of the APSA where endogenous and exogenous factors go into interplay.

Aside from the provisions in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, as adopted by the inaugural session of the AU, in Durban, South Africa, in July 2002, literature on the APSA is still scanty. In the Protocol, the APSA is presented as a set of legal provisions governing the functioning of the Peace and Security Council (PSC) of the African Union, as a decision-making organ on peace and security in Africa. Reinforcing those provisions is also a set of Rules of Procedure that regulate the manner in which the PSC conducts its business. Both the legal provisions and the rules are meant for the harmonious permanent functioning of the PSC. The PSC is in permanent functioning as conflicts and crises have no holiday – they take place anytime and anywhere in Africa, hence sessional permanence of the PSC.

Some would say that the APSA came late to the service of Africa; why did it not come much earlier, for example in May 1963 when the OAU was established. Well, this is a legitimate question. The response may not be simple. But it makes sense to say that, as in 1963, the dominant thought and political practice in Africa focused on the decolonization of the continent and the dismantlement of apartheid in South Africa. The OAU was precisely created for that, and for purposes of promoting African unity and dignity, both of which had been severely shattered by colonialism. Undoubtedly, those who judge the OAU by this purpose would all converge on the conclusion that it acquitted itself well on these functions. Notably, despite criticism by some observers, I can confidently assert that the OAU acquitted itself well in liberating Africa, using various mechanisms, including the OAU Liberation Committee, which was based in Dar es Salaam, Tanzania. As for the issue of economic self-liberation of Africa, this task and its challenges have always been for post-OAU political, economic and social actors and institutions. This is more so, given the fact that, as we Africans can see today, peace and security have not yet become an ally of Africa and its people – peace, security and stability remain thin and fragile within the continent. Nearly 80 % of the population of the continent faces hard living conditions due to persistent violent conflicts and crises.

With the fall of apartheid in 1994, which marked the final phase of decolonization and termination of white settler rule in the continent, it became apparent to Africa and its people that, there was then necessity to establish a fresh continental organization to be given the task to create a more enabling environment for unleashing Africa's vast human and natural resources. This was the rationale to bring up the AU, in replacement of the OAU. Of course, the birth of the AU was accompanied, just like what happened with the birth of the OAU, by struggles for power and influence, as well as for resources, among African political actors, and with the outside non-African world also peddling influence and impacts on the birth process. One could see three tendencies amongst those political competitors: those who wanted a union government for Africa; those who

wanted a new economic organization for Africa, and still, those who opted for the route of gradualism embodied in African regional economic communities – the last model, as it was informed by what was already on the ground, won the day and - the AU is at the top of a collectivity of geographic regions and regional economic organisations.

The APSA has opened opportunities for Africa to assert its “ownership and agenda setting”<sup>1</sup> on peace and security issues concerning it. That means that, in Africa’s view, it had left its peace and security issues and challenges for too long to others (non-Africans) and many things have gone wrong. The Rwanda genocide came and left trauma in the continent; many violent conflicts and crises have ravaged different parts of the continent; those situations have taken many parts of Africa many years back in terms of socio-economic development, whilst at the same time eroding the gains that had been made. So the change Africa has sought is to fully own and determine its status and destiny with regard to the evolution of peace and security in Africa.

### **Highlights on the African Peace and Security Architecture**

The inaugural Assembly of the African Union held in Durban, South Africa, in July 2002, adopted the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union (AU). It entered into force upon the required number of ratifications by AU Member States in December 2003. Notably, the ratification of the PSC Protocol was achieved rapidly due to two main factors: firstly, the African Union Commission deployed its Special Envoys on peace and security issues to undertake tours to popularize the Protocol and mobilize attention for its expeditious signature and ratification, and secondly, the African Union Commissioner for Peace and Security took advantage of every meeting of the AU policy organs in those days to sensitize and encourage AU Member States to sign and ratify the Protocol. The fact that it was the first major inter-governmental protocol to be adopted under the auspices of the then newly established AU also contributed to the momentum. In any case, the APSA and its institutions and processes came as the greatest promise for peace and security for Africa as a whole – it was not like at the end of the World War II when some victorious parties designed and imposed a global *modus operandi* of peace and security. Factually, the APSA came out as a collective indigenous African product. To give it in a nutshell, the PSC is the main pillar of the APSA, and it is aided in its functioning by several supporting pillars, namely, the Commission of the African Union, which provides administrative, analytical and logistical support; the Panel of the Wise which assists essentially in the area of conflict prevention and mediation; the Continental Early Warning System, which acts as a radar to detect seeding and germination of trouble in Africa; the African Standby Force, which is designed for preventive action and intervention on the basis of mandates given by the PSC, and the Peace Fund, which is the pool of funds to support peace efforts in Africa.

Since its inception in March 2004, the PSC has made significant achievements in discharging its mandate of promoting peace, security and stability, as well as mobilizing political and diplomatic support for post-conflict reconstruction and development, in Africa. It has convened over 550 meetings devoted to finding lasting solutions to conflict and crisis situations on the African continent and addressing other problematic thematic

issues, such as the plight of women and children in armed conflicts, the nexus between peace, security and development, election-related conflicts, the plight of refugees and internally displaced persons in armed conflicts, as well as pandemics threatening peace and security, as well as the socio-economic fabric of affected countries. The outbreak of the Ebola virus disease in West Africa in 2014 into 2015, came as a challenge to the PSC, as it had to urgently address that challenge as the Ebola outbreak seriously threatened African wellbeing, peace, security and stability.

The activities of the PSC have crystallized the leading role of Africa and its continental and sub-regional organizations in dealing with conflicts and crisis situations on the continent. The PSC has demonstrated its collective security character in carrying out its mandate, paying attention to state security, human security and environmental security. It has also, in spite of challenging circumstances in some cases, shown consistency of approach in dealing with the different conflict and crisis situations on the continent.

Indeed, one should note that the PSC has faced one its most challenging tasks in dealing with more recent unconstitutional changes of government in the continent, particularly some of those that took place in Western Africa and North Africa. The challenge was in terms of how to define crisis situations as unconstitutional change or spontaneous uprising by people seeking to restore their dignity, freedom and rights vis-à-vis a tyrannical government.

To more effectively discharge its mandate, the PSC has enhanced its working relations with the Regional Economic Communities and Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs); other Organs of the African Union; Civil Society Organizations; the United Nations Security Council; the European Union Political and Security Committee; the Peace and Security Council of the League of Arab States; as well as with civil society organizations. In this context, and since 2007, the PSC has been giving increasing attention to regularly reviewing and strengthening its working methods.

In spite of the notable achievements in the implementation of APSA, the African peace and security landscape is ever changing and new challenges continue to emerge, for which solutions must be found. In addition to traditional threats to peace, security and stability, the African continent is now facing a new set of threats, some of which include:

- Governance related intra-state conflicts and violence, including election-related ones, which could severely undermine the nascent democracies on the continent, and negatively affect the socio-economic fabric in many countries.
- The uprisings in parts of Northern Africa have, on the one hand, opened a window of opportunity for the consolidation of the democratization process in the countries directly affected. On the other hand, they have also had a very devastating consequence on peace and security on the region and the continent as a whole. The threat posed by the proliferation of weapons and armed criminal

and terrorist groups in some parts of Northern Africa and in the Sahel region, is real and it requires urgent responses.

- Al-Qaida- linked terrorist organizations and extremist religious groups are expanding in various parts of Africa, putting innocent people at risk and threatening economic stability; compounding this danger is the upshot of a fresh terrorist organization, the Islamic State and its affiliates. Al Qaeda and its affiliates, too, have brought enormous havoc to the continent.
- Residual border disputes are also threatening relations between some of the neighboring countries.

### **What does the fourteen years old implementation of the APSA show? The**

following main aspects can be put on the surface with respect to the lessons that one may draw from the fourteen year old process of the AU, through the PSC, RECS/RMs, concerned AU Organs, CSOs and other concerned stakeholders implementing the APSA:

#### **a) Need for more political will**

Peace and security are achievable in Africa; but more political will, beyond what African decision-makers have already provided, is vital; most importantly, leaders need to want inviolable peace and sustainable response to and satisfaction of public needs.

#### **b) Need for dissuasive posture**

The effective operationalisation of the African Standby Force is meant, among other uses values, to provide the much-needed dissuasive posture, as well as an intervention capacity to Africa to save lives, property, institutions, infrastructures and the environment.

#### **c) PSC-RECs/RMS collaboration**

There is critical need to enhance collaboration between the PSC and the RECs/RMs in the promotion of peace, security and stability.

#### **d) Inadequate African funding**

There is an increasing dependency of Africa on donor funding in the peace and security domain, which does not augur well for the sustenance of the effort, and in fact, it undermines AU's claim to ownership and leadership of peace processes on the continent.

#### **e) Inadequate publicity of Africa's success stories**

There is lack of adequate Africa-led publicity of the success stories of Africans in conflict management and resolution within the continent; such stories are being told

by external agencies, which, in most cases, do not possess or do not provide the entire profile of such success stories.

#### **f) Unbalanced investment between peace and socio-economic development**

Continuous investment in peace and security has constituted a major trend in Africa for quite a long time. The trend was backed by major hopes that peace was going to be achieved and opportunities for rapid socio-economic development unlocked. Today, one tends to see another current in the reverse order. The impact of weak investment in the socio-economic sector, especially in areas such as agriculture, infrastructure, industry and trade, has begun to erode some of the peace gains that Africa has made over the last fourteen years. Notably, whilst violent conflicts followed a declining trend from 2004 to 2009, the year 2010 marked a new upsurge of crises and conflicts. These included the uprisings in Northern Africa, which left, among their legacies, the ongoing crisis in Libya, the shocks brought up by the eruption of fresh conflicts in Mali, the Central African Republic and after, in South Sudan and Burundi. Terrorism and violent extremism have risen in many parts of Africa. Thus, the period 2010 to 2015/2016 is showing a marked reverse trend in the peace and security domain. The much-reported economic growth in some of the African countries is hardly trickling down to the ordinary people where the fruits have awaited for a long time. Bad governance, lack of appropriate responses to public and basic human needs, corruption, exclusion, marginalization and other factors are more and more reinforcing each other. This dire situation drives the youth into various practices not progressive for their communities and even for themselves. They are lured into illegal military activity, human and drug trafficking, kidnapping and brutalities against their own kind. Some of the African youths are migrating to Europe at great risk when crossing the seas and oceans. These are some of the woes that Africa's poor investment drive has brought and now negatively impacting on peace efforts.

#### **g) Unconstitutional Change of Government**

Africa witnessed the reality of unconstitutional change of Government with the first ever coup d'état to take place on the continent in Togo in 1963. Thereafter, the continent has been shaken at different times by the occurrences of unconstitutional changes of government in different countries. This negative trend was aggravated, especially in the 1980s and 1990s, by the rise of mercenary activities in Africa and the conditions created by the Cold War. In 1977, Sierra Leone succumbed to a coup d'état. Against this negative trend, the African leaders unequivocally condemned coups and viewed them as contradicting the basic principles of the OAU and the United Nations, threatening peace and security, as well as economic wellbeing, and undermining the evolution of democracy in Africa.

It was against this background that, under the aegis of the OAU, African leaders embraced the imperative of putting place a continental mechanism for combating coups d'état and also mercenary action, in so far as it helped perpetrators of coups in the Continent. It was in the context that the 36<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government held in Lomé from 10 to 12 July 2000, adopted the Declaration (Lomé Declaration) on the Framework for an OAU Response to Unconstitutional Changes of Government. Adopting the Declaration, the Assembly reaffirmed that coups are sad and unacceptable developments in our Continent.

For some time, from 2004 to 2008, as the APSA continued to be implemented, Africa was celebrating the disappearance of the phenomenon of unconstitutional change of government. Inversely, that celebration ended in 2009, with the resurgence of unconstitutional changes. Alarmed by the resurgence of coups d'état, and building on relevant AU Assembly decisions, the PSC, at its 178<sup>th</sup> meeting held on 13 March 2009, adopted a communiqué on combating and preventing unconstitutional change of government in Africa. The PSC decided to establish a Committee on Sanctions to advise it on all matters pertaining to unconstitutional change of government in Africa.

Preventing and combating unconstitutional changes of government have not been easy tasks for the PSC. The context in which unconstitutional changes take place has fundamentally changed, thereby calling for scrutiny into the entire African doctrine on constitutional change of government in Africa. There is need to re-think and define comprehensively what constitutes unconstitutional change and in which circumstances.

The foregoing provide a quick perspective on what the continuous implementation of the APSA has been able to achieve for Africa, and the challenges encountered, which remain at hand, for solutions to be provided. In the sections below, the focus is specifically on issues of crafting decisions for peace and security organs within an African context.

### **Crafting decisions for/within African inter-state peace and security organs**

There are a number of considerations in my mind in addressing the issue of crafting decisions for African peace and security organs. I have also asked myself some questions, especially why the persistence of a weak skills base, a factor that hinders running of a Member State driven crafting of decisions on peace and security issues in Africa. This is manifest at the both the regional and the continental levels of the crafting process. To some, it may be simple to craft and articulate positions or formulations that can then be tailored into a draft decision on a given peace and security situation or issue concerning Africa. But to others, drafting decisions can become a process with trappings and bottlenecks. The incentive for me to provide this contribution is set out below:

- a) I decided to draw the parameters for crafting decisions for African peace and security organs, within their own environment, such the Peace and Security Council of the African Union and similar organs in the African regional economic communities and regional mechanisms for conflict prevention, management and

resolution. There are, to give few examples, the SADC Organ on Politics, Defence and Security Cooperation and the ECOWAS Committee on Mediation, Arbitration and Conciliation.

- b) I have had pain and frustration on many occasions when I attended some workshops and seminars on peace and security issues in Africa, with some of those seminars taking place both within the continent and outside. I found many participants in deprivation and quandary with respect to clear information or good knowledge of the African Peace and Security Architecture (APSA). The fact that the APSA is the most articulate and advanced blueprint for promoting, consolidating and maintaining peace and security on a continental scale in Africa, and comparatively the best by world standards, and yet people that are interested in the APSA, especially the decision-making environment and process it provides for, are not well understood by those who happen to talk about the subject. Hence, I have often been saddened.
- c) Most importantly, I have had many occasions to work with personnel from many African countries not possessing basic skills or foundation knowledge requisite for crafting decisions on peace and security issues, both those concerning Africa and the world in general. This has often caused me much irritation, being conscious, for instance, that African peace and security issues dominate the agendas and debates of the United Nations Security Council, and agendas of several other international organisations working on Africa, just because Africa remains, thus far, the most conflict-vulnerable and conflict-laden continent. I have always been convinced that Africans should be the most shrew crafters/drafters of decisions on peace and security, as every African living in Africa is directly or indirectly affected by violent conflicts and protracted crises almost daily. This sad experience must, therefore, be transformed positively into useful skills, knowledge and capabilities for motivating and moving up solutions. And, for solutions, they do not just come like that, but, they begin somewhere and that somewhere is the intelligent crafting.

This is why I decided to embark on this exercise as my contribution towards the advancement of the implementation of the APSA. As Africa implements the APSA, one must be able to explain clearly what it is all about, its processes, opportunities, gains and challenges. I should say that this contribution is a junior work to the efforts that I have placed in my larger contribution titled *Africa: A Stride Towards Peace, Security and Stability*. I should also say that the advent of the APSA has offered me a golden opportunity to load off all the frustrations that tormented me when I produced my work titled 'Africa's Peace Fiasco' (1998).

There should not be any misconception or misunderstanding about what I set out to do in this essay. Each African must be concerned, as, despite its long sustained search and deployment of huge resources in various forms, it is indisputable that peace, security and stability still remain very elusive to Africa and its people, even as I write.

In making this contribution, I departed from three fundamental viewpoints:

- a) Contrary to what some observers say, a colonial legacy does not die early and quickly, or so easily. Any colonial legacy durability, long after the acquisition of independence by a country. It takes several generations, working hard in a concerted manner, to dismantle a colonial legacy in any country. This is because European colonization was deep-rooted when it was implemented in Africa. The European colonizers had the aim of Europeanizing Africans, by uprooting indigenous cultures, languages, customs, names, knowledge, practices, etc, and substituting European ones for them. This exercise was carried out over a long period of times, cutting across generations of Africans. Some Africans were even trained and customized to reject their own and assimilate and propagate a euro-colonial culture and outlook.

The colonial system in Africa left five major dimensions of its legacy, namely colonial language; economic linkage to the former colonial/metropolitan country; socio-economic inequality across racial, social and ethnic groups, as well as across regions in the same country; seeds of recurrent tension and instability, sometimes pitting one ethnic group against the other, lack of infrastructure and industrial capacity to transform natural resources into wealth and better quality of life necessary for the internal development of a country. This legacy is self-evident throughout Africa. No matter the size of the collective genius of a country, no African country has managed to dismantle all these five dimensions, let alone some of them. The colonial system and its administration mixed up populations that should, naturally, have not been force-mixed together, and split others that should not have been split. Thus, most African countries acceded to independence carrying seeds and ripe conditions for violent conflict, some of which were already at germination point at the advent of independence. The colonial regime ran “colonies by brute force”<sup>2</sup>, to borrow from Franz Fanon. So, for the Africans to stand up to challenge that forced population mix up or splitting of populations, was almost impossible. What only became possible was to challenge the legitimacy of the colonial system itself and this became possible due to both exogenous and endogenous factors. The split of the world into the capitalist/western bloc and the communist/eastern bloc played so much in favor of national liberation in the colonies in Africa. The eastern bloc, its ideological struggle with the western bloc found its interests coinciding with those of the colonized peoples of Africa, provided political, financial and military support to national liberation movements in Africa. China and the former Union of Soviet Socialist Republics, to mention key ones, provided decisive support to African liberation movements. In a context of colonial legacy, it is not so easy to promote durable peace, given the dominance of various impediments that need to be first overcome.

- b) Since 1963, but essentially more so, since 2012, with the birth of the African Union (AU), Africa and its people, with the support of partners, have made huge investments to promote peace, security and stability as necessary conditions for socio-economic development. Disappointingly, the huge investments have not

delivered the much-expected peace, which African people are yearning for over the past five decades. The African people have not yet been given a sight that violent conflicts are coming to an end, leaving every African to live an uncertain and insecure life as an actual or potential refugee or internally displaced person (IDP). Needless to talk of living in conditions of poverty and misery, as part of the colonial legacy and also post-independence economic mismanagement and lack of good initiative in some African countries. We also do not see real peace anywhere in Africa as we write – we fear to join other Africans taking their forced turns as refugees or IDPs and we are writing to raise tides of opinion and the needed momentum against such an unfortunate eventuality.

- c) Africa's choice of more and more investment in peace and security, without looking at needs and potential of other equally important sectors, has now put Africa in the position of a one-legged or one-eyed person – in this situation, one cannot see all or do all, due to gaps in sight, angle and approach. Given the “fiasco of peace in post-independence Africa (1963 to 2015) Africa<sup>3</sup>, to borrow words from Admore Mupoki Kambudzi's work 'Africa's Peace Fiasco' (Harare: University of Zimbabwe Publication, 1998), the continent needs to take care of other crucial sectors and drive more and more investments into them with a view to putting in place a multi-pronged approach as a way forward to achieve a less conflict-prone Africa, or get to the desired end state – “developed, integrated and conflict-free Africa<sup>4</sup>”, to use AU's language.

Thus, I appeal, in advance, to readers not to misinterpret this work as an advocacy to cut down investments aimed at achieving lasting peace throughout Africa. Rather, this work should be understood as a wake-up call for Africa to start balancing its scale of financial investments among all its crucial sectors (economics, politics, science, technology, intellectual philanthropy and public welfare). In a post-2015 Africa, we strongly stress that Africa and its strongest asset –the people - should invest more and more in innovation, technology design and development and job creation. So investing will create more opportunities to attack the root causes of violent conflicts that continue to render the continent miserable, deterring both domestic and international investments and funding for socio-economic development. I also call for stronger intellectual philanthropy throughout Africa.

### **Crafting/drafting decisions for African peace and security organs**

In the pages that follow, let us look out for key aspects, such as Ethics and Agency for crafting decisions; Pedigree of the relevant political steps; Historical Evolution; Institutional development and the Larger context in which decisions are crafted; and Challenges. Let us start from a couple of points, to say that:

Firstly, large groups are the least effective mechanism for crafting a decision on a given peace and security issue. Such groups are most likely to face several problems. The existence of linguistic diversity within the group and absence of effective interpretation

may bring more problems and less progress. The risk of variable interpretation of issues tends to be higher, thereby inhibiting the capacity of the group to make progress.

Secondly, there is need for a lead drafter or crafter. It may even be two people. The lead drafter has the advantage of being relatively free from the defended prior positions that are often projected in cases where more people are crafting a decision together. The lead drafter has one approach, which may be right or wrong. Whichever the case, the problem is easier to handle and resolve. If the lead drafter's approach is wrong, it would lead to a wrong draft decision and that can be easily discarded.

Adequate information is an essential input into any decision crafting process. That information may be oral or it may be in the form of a report, or a documentary. Photos can also serve the same purpose of providing information. Across all this, what is most crucial is that accurate information, at the timeliest moment, should be available to drafter of a decision on a given issue. In a working organization, deadlines may be needed to get source providers of information to act and provide inputs on time.

Any crafting of a decision is context specific. A draft must match the demands and dynamics of the situation at hand. A decision suitable to a given situation at a given moment may not necessarily be up to date with the subsequent evolutions of such a situation. But that pre-existing decision has referential value for future decisions concerning the geographic area and its affected community. The chain development of draft decisions has to be supported by a dynamic search for and updating of information to be given to drafters.

The question often asked by some observers, both from Africa and from outside, is why the PSC and other peace and security organs at the regional level are still not well centered on Member States centric process of crafting decisions on peace and security issues. Those who pose this question often measure the PSC and African regional level peace and security organs against the United Nations Security Council, in which case member states craft and finalize decisions (resolutions, press statements, presidential statements). Asked differently, this question would say: why is it that less attention has been given to the challenge of building, in a sustainable manner, capabilities in the PSC and regional peace and security organs to enable them develop, own their own, once furnished with information, decisions, from their formative crafting to finalization, on peace and security issues in Africa; and what would be required to achieve this kind of result. To answer such questions, one may need to go into long evolutionary process that culminated in the establishment of the APSA and its institutions and processes. One has to know that the culture and skills to craft decisions grows over time; it is not something that inter-states organs are born with. In other words, crafting and shaping decisions into finality is an acquisitive process in which the agent learns, makes mistakes, improves, builds best practices, builds institutional memory and enhances the art of crafting decision in a sustainable manner.

The political point of origin is also very important, just like the driving philosophy of a decision crafting process. Look, for example at the UN Security Council decision crafting process – its political origin was the “victory of the allied powers”<sup>5</sup>, at the end of the Second World War, which went through a war whose cause they ascribed largely to

Germany aggressions and colonial ambitions, won that war and decided that they were not going, ever, to allow free play for Germany, Japan and Italy, or any other stubborn country, to set them on a war path and actual fighting on a world scale. To do so, the victorious powers gave themselves exclusive status and powers, as manifested in the phenomenon of the five permanent members of the UN Security Council – France, China (came much later, but fought against imperialist Japan), Russia (former Union of Soviet Socialist Republics), the United Kingdom of Great Britain and Northern Ireland and the United States of America. In effect, they accorded themselves, based on their labour, and their capacity to harness the labour of others, including that of the then colonial territories, high privilege. Objectively speaking, they worked for and earned the privilege they do not want to lose.

Naturally, no one wants to lose a privilege, especially one that goes with a lot of power to determine and influence the fate of others. No wonder why it is a deadly game to challenge the current UN Security Council set up, without mature and major systemic fractures involving an interplay of decisive political, economic, military technological and strategic factors, as well as demographic factors, that would cause the permanent members to see that it is cheaper for to surrender their privileged status, allow a re-distributive share out and re-balancing, than to cling to the status quo. For anyone, until the status quo reaches a point where it begins to wear down and tear upon its bearer, there is never a will to opt for fundamental change. And here, it involves political power and military power, as well as economic power: the three maiden assets of giants of life. Power, as is often the case, is not given, but grabbed by rule or cheat. If one expects somebody to just willingly give up power, when there is no compelling circumstance, then such a person would stay in a state of expectation until the conscience is attained that power is an asset that one has to grab and prevail on others.

For argument's sake, it may take more than five big countries (in geography, economy, demographic size and technological strength) that have to reach the overall combined strength of the permanent members to naturally cause them to see, accept and go on a course of real reform of the UN Security Council; not only that, as, also, such countries need to show initiative in such a way that it assures the permanent members that their own interests and those of others would be somewhat sufficiently protected and enhanced – they may not want to lose. And nobody wants to substitute chaos for order and calmness. Hence, those who intended to be lead architects of a UN Security Council shake-up need to be very conscious of this point, as this task cannot be mistaken for a football match or a tea party. It is a lions and elephants game.

Of course, far below, I shall also pay attention to the issue of the political point of origin for the germination and evolution of the decision crafting process of the PS and regional peace and security organs. Suffice to say, at this stage, that it is a different setting and logic altogether.

### **From Ad-hoc to System Building and Institutionalisation of Continental and Regional African Peace and Security Arrangements**

For some time, Africa has been associated with hosting the highest number of conflicts in the world. For more than three decades, vicious and mostly internal armed conflicts

ravaged Africa. Every sub-region in the continent of Africa has been engulfed in one conflict or the other. Central Africa, with the Great Lakes Region there-in has seen the Democratic Republic of Congo (DRC), Burundi and Rwanda engulfed in tragic warfare, including inter-ethnic conflict – in Rwanda’s case, it was the conscience burning genocide of 1994, something that could have been avoided, but those with the means to do so, stood arms akimbo, leaving more than 900 000 to be slaughtered. There was armed uprising in Northern Uganda, civil war in the Sudan and after the internal conflict in Ethiopia, the Ethiopia-Eritrea border war broke out in 1998. Somalia has, for the last two and half decades remained trapped in internal conflict and strife, following the collapse of the State in 1993. In Southern Africa, Lesotho witnessed an armed uprising. Angola and Mozambique went through, after their accession to independence, prolonged civil wars. In West Africa, Liberia virtually collapsed but was rescued by the Economic Community of West Africa State (ECOWAS); and the civil war in Sierra Leone came and ended. Guinea Bissau has experienced recurrent an armed rebellion and political instability.

In some of these conflicts, external intervention played a role, either in ending the conflict or adding more fuel and lifespan to those conflicts. In some cases, actions of neighbouring countries have also either helped to find solutions, or to further complicate the situation. An intra-state conflict can be defined as a set of structural conditions which pose a fundamental threat to human security and the stability of the state, and which is constituted by violence. Though with variations in space and time, some of the critical structural conditions in Africa that can be mentioned include authoritarian rule, exclusion of minorities or majorities from governance mainstream; socio-economic deprivation in some parts of a country, inequality, fragility in the essence of the state, marked by lack of institutional capacity to manage normal or natural political and social conflict effectively; weak constitutions, with some having contradictory provisions, violation of human rights, as well as the greed of the few and their monopolization of wealth and privilege.

Given Africa’s susceptibility to intra-state conflicts, the continent has remained one of the most important challenges to both Africa’s and the UN conflict prevention and management efforts across decades. The continent has attracted more UN conflict management activities, including peacekeeping operations, than any other single region. Paradoxically, some of those UN interventions recorded failure: Rwanda, Somalia and Angola. Though different explanations can be given for that failure, it cannot be disputed that inadequate diagnosis in some cases and wrong diagnoses in others, largely accounted for failure.

Within Africa itself, the only pan-African framework that existed from 1963 to 2002, that is the Organization of African Unity (OAU), did not have the institutions and capabilities needed to prevent conflict or conduct major peacekeeping operations. The only peacekeeping activity undertaken by the OAU was in Chad in 1981, but with no success. As for the regional economic communities that began rising from 1975 (the East African Community, which had sprang upon colonial conditions and soon fractured, lived from 1953 to 1963) did not have a serious conflict prevention and management mandate, as they largely focused on economic issues.

Conflict resolution and the issue of peace, security and stability were major preoccupations of the Founding Fathers of the OAU, and continued to be major concerns of the Organization. However, as enshrined in the Charter at its inception, the principle of non-interference in the internal affairs of member states prevented the OAU from intervening in intra-state conflicts. But the occurrence of conflicts forced the OAU to innovate. Thus, the Organisation started deploying various mechanisms for the peaceful resolution of conflicts. These included the resort to diplomatic means, the use of the Commission of Mediation, Conciliation and Arbitration, the use of Elder Statesmen, mediation by African Heads of State or eminent persons, ad hoc committees, the Assembly of Heads of State and Government and, sometimes, judicial means. The Commission of Mediation, Conciliation and Arbitration was set up under Article 19 of the OAU Charter as an autonomous body with its own constituent instrument. It was the sole organ of the OAU specifically charged with conflict management and resolution. However, the Commission had several limitations, including limitation of jurisdiction to involvement in inter-state conflicts and not internal disputes – this was a counter-current, given the then rising trend of internal conflicts; its mandate was confined to conflict resolution and not conflict prevention; Member States were reluctant to invoke the procedure of arbitration or any other judicial procedure, and also, they rejected the provision for a Court of Mediation, Conciliation and Arbitration which had been proposed for establishment. All these reservations and obstructions were largely due to the fact that many governments in those days simply clung to sovereignty with little regard for human security and lacked commitment to a basic needs satisfaction development process. The rampant flow of weapons into Africa and within the continent further complicated the situation, and this remains a major problem even today.

As the Commission fell into paralysis, the OAU resorted to forming several ad hoc committees to resolve specific conflicts. Later on, a more permanent Committee was created in July 1977, named the Ad Hoc Committee on Inter-African Disputes. The first dispute to be managed by this Committee was the Uganda/Tanzania conflict. These ad hoc committees had varying degrees of successes in their mandates, but they all fell too short of what Africa needed to prevent violent conflicts and resolve those on the ground. These successes, notwithstanding, the committees had limitations in resolving conflicts. Constraints in financial and human resources, as well as inadequate political will to reign in on the virus on violent conflicts, generally accounted for lack of effectiveness.

### **Cold War ends (1989/90), but brings new fractures in Africa and triggers a new arrangement for Conflict Prevention, Management and Resolution**

The OAU remained concerned with the continued rise and recurrence of conflicts. This concern deepened with the end of the Cold War in 1989/90, during which the continent had been reduced to ground for proxy wars, an end that did not bring a peace dividend to the continent as it did to some parts of the world. Eastern Europe, with violence in some cases (the fall of Yugoslavia, for example), saw a positive evolution with disintegration of some states, thereby giving rise to new ones, more or less based on ethnic affinity, shared ancestry and common history – the birth of the Czech and Slovak republics is a case in point. Instead, internal wars multiplied in many parts of Africa in

the 1990s, with an overspill into the next century. Not only did these conflicts and wars exact heavy tolls in terms of loss of human lives, but they also impeded nation-building, state building and socio-economic development in most Member States. It was against that background that the Heads of State and Government adopted, in 1990, a declaration entitled: “Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World.” In that Declaration, the Heads of State and Government rededicated themselves to work together towards the peaceful and speedy resolution of all conflicts.

### **The 1993 Cairo Declaration establishing the Mechanism for Conflict Prevention, Management and Resolution within the OAU**

Member States did not relent in their search for solutions to the conflicts raging on the Continent. Notably, the fifty-sixth Ordinary Session of the Council of Ministers and the twenty-eighth Ordinary Session of the Assembly of Heads of State and Government in Dakar, Senegal, in 1992, received the Secretary General’s report containing a proposal for an OAU Mechanism for Conflict Prevention, Management and Resolution,” within the OAU. In effect, the Council recommended the submission and adopted, in principle, such a mechanism for preventing, managing and resolving conflicts in Africa. On its part, having seen the merit of the proposal, the Assembly entrusted the Secretary General with the responsibility of preparing an in-depth study on all the aspects relating to such a mechanism. Subsequently, in 1993, in Cairo, Egypt, the Assembly of Heads of State and Government, meeting in Cairo, Egypt, adopted a Declaration to establish, within the OAU, a Mechanism for Conflict Prevention, Management and Resolution. In so doing, the Assembly demonstrated its commitment to ensure that Africa, through the Organization of African Unity, played a central role in fostering peace and stability on the Continent.

Indeed, the Mechanism was to be guided by the objectives and principles of the OAU Charter, particularly, the sovereign equality of Member States, non-interference in the internal affairs of States, the respect of the sovereignty and territorial integrity of Member States, their inalienable right to independent existence, the peaceful settlement of disputes, as well as the inviolability of borders inherited from colonialism. The need for consent and the cooperation of the parties was also a condition for its functioning. Thus, while the leaders were committing to prevent and resolve conflicts, they, at the same time, planted landmines on the forward route of the Mechanism.

### **Lusaka Decision 160 (July 2001)**

The adoption of the Sirte Declaration on 9 September 1999 by African leaders paved the way for the transformation of the OAU into the African Union. In that new wind, the 37<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government held in Lusaka, Zambia, saw African leaders taking further action to realize the notion of an African Union. In particular, the leaders adopted Decision AHG/Dec.1 (XXXVII) on the Implementation of the Sirte Summit Decision on the African Union, and mandated the OAU Secretary General:

“to undertake the necessary consultations with Member States with a view to working out the modalities and guidelines for the launching of the Organs of the African Union, including the preparation of the Draft Rules of Procedure of these Organs and ensuring the effective exercising of their authority and discharging their responsibilities. In undertaking this task, priority should be given to the launching of the key Organs, namely: the Assembly, the Executive Council, the Commission and the Permanent Representatives Committee.”<sup>6</sup> Priority was also to be given to enhancing the conflict prevention, management and resolution capacities of the new continental organization.

Notably, the PSC replaced the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution as established under Paragraph 3 of the 1993 Cairo Declaration of the Assembly of Heads of State and Government of the now-replaced Organization of African Unity (OAU). This took place during the formative process of the AU. It should be recalled that, in July 2001, the Assembly of the Heads of State and Government of the OAU, meeting in Lusaka, Zambia, adopted Decision AHG/Dec.160 (XXXVII), as mentioned above, on the implementation of the Sirte Summit decision on the African Union, including the incorporation of other Organs. The Decision, in paragraph 8, provided for the incorporation of “the Mechanism for Conflict Prevention, Management and Resolution as an Organ of the African Union:

- (i) Considered that the objectives and principles stipulated in the Cairo Declaration establishing, within the OAU, a Mechanism for Conflict Prevention, Management and Resolution constitute an integral part of the declared objectives and principles of the African Union.
- (ii) Decided to incorporate the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution as one of the Organs of the Union in accordance with Article 5 (2) of the Constitutive Act of the African Union.
- (iii) Requested the Secretary-General to undertake a review of the structures, procedures and working methods of the Central Organ, including the possibility of changing its name”<sup>7</sup>.

A good reading of roman iii above does show that African Leaders were confessing that the Central Organ had absorbed in its mandate. It was within this framework set by the above mentioned decision that efforts were immediately deployed by Africa, culminating in the elaboration of the Protocol Relating to the Establishment of the Peace and Security Council and other documents relevant for the functioning of the PSC-then-to-be, during the 2001-2003 period. Furthermore, given the import of this Decision of the Assembly and the efforts then deployed by the General Secretariat/Interim Commission in implementation of the decision, a Brainstorming Retreat for the Ambassadors of the

Central Organ and the NEPAD Implementation Committee, as well as the Interim Commission, was convened in George, South Africa, from 18 to 22 March 2002. The Retreat reflected on the Background Paper on the Establishment of the Peace and Security Council as elaborated by the General Secretariat/Interim Commission of the OAU/AU with a view to laying the foundation for the establishment of a new peace and security organ for Africa. This was an important step for the newly born continental organization, which was, among other things, to involve the augmentation of Africa's capabilities peacemaking, peacekeeping and peace-enforcement capabilities. In addition, it opened the path towards an African military capability to intervene, preventively or to end a conflict.

### **The vast context of crafting decisions on peace and security in Africa**

The *raison d'être* of any process of crafting decisions on peace and security issues is to ensure that some given human beings and communities, residing on a given locality, are safe, happy, productive and going on responding to the needs of the day and those of future generations. Decisions are meant to address threats, resolve problems and constraints, including inadequacies; mobilize energies of individuals and communities and deploy them in the most productive manner. With such a practice, individuals and their communities are able to function more effectively and prosper emotionally, spiritually, intellectually, biologically and materially. Good decisions on peace and security issues, just like on other relevant issues, bring about a full human being, that is an all-round self-fulfilled person, and by extension, a community able to fully realize its potential. As for bad decisions, they are known and seen to always cause communities to slide into the unknown. For Africa, the search for inviolable peace is a mammoth task, and one that cannot be relented, whatever the level of fatigue. The continent's last seven hundred years, from the 13 century, is one of suffering and bleeding caused by forces from outside the continent. It was Julius Kambarage Nyerere, former and late<sup>8</sup> President of the United Republic of Tanzania, who, in his work, 'Ujamaa na Umoja' (1967), reminded us of the happy, well integrated self-sufficient communalistic pre-colonial societies once flourished in Africa. Then, they were shattered by slavery and colonization, and long after, by conflicts.

### **Colonial Legacy, Poverty, Under-development and Weak National Integration are the main drivers of violent conflicts in Africa**

The paradox is that, so far, as world natural resources assessments are, Africa is the richest continent on the planet. The surface, sub-surface and marine resources are abundant. There are large arable lands as there are large fishing grounds. There are a lot of mineral resources, just as there are forest resources. Oil discoveries continue to add to the existing known reserves. Alas! Almost 80% of Africa's population is very poor. Why poverty is so high in a continent where nature has endowed all that is needed to have every African inhabitant happy and enjoy a descent life. Thus, it is vital, as Africa moves in the 21<sup>st</sup> century, that the factors causing poverty and underdevelopment, and their persistence, be exposed so that those who have the means to do so would be engaged to neutralize them. The current rate of poverty and underdevelopment, which marks much of the African continent, has had and continue to have detrimental effects on the advancement and wellbeing of the continent's

population. For Africa to be in a position of sustainable economic growth, there has to be, supposedly, to be a good interplay of a number of factors, which include enhanced good governance, improved physical infrastructure, better skilled and motivated human resources, innovation, access to technology and an all-round enabling environment.

Major factors such as poor leadership, bad governance, weak education systems unfair trade, lack of Information and communication technologies (ICT), and current policies put in place by the World Bank and the IMF are to some extent the causes of poverty in the continent. The above factors will be discussed and recommendations made which in the mind of the author can go a long way to get the continent out of poverty and underdevelopment.

Several fundamental aspects are vital for any State to constantly pursue in its interest and in that of its population, if that State and its authorities are to avoid being challenged from within or from outside. A State needs to survive and it can only do so on the basis of its people's will for it to live on. The quality of support by citizens to their State and their government depends very much on the pattern of perception of that State and the government. If seen as coming from and representing the population and its interests, then the State and its government tend to attract more support. The reverse tendency is true. In the past, it has been seen that there has been a problem in Africa when it comes to constructing a common value system encompassing the totality of aspirations and persuasions of the communities constituting the State. The drift towards nation building after the accession to independence in many African countries was premised on the aim to establish a common political and economic values system. But in fact, what happened is that, instead of building such a system from within, most African countries derived it from outside. In effect, the externally derived systems were never internalized, as African communities had their own realities. In reality, they divided the African community, between those who supported the capitalist-western bloc modelled path of development and those espoused the socialist-eastern bloc shaped path of development. This division interfered within nation-building process in so far as African populations found themselves with nothing in common, among themselves, and between themselves and their leaders.

Most African inhabitants faced with that stark reality, an unpromising one as it were, turned to their local leaders, regions, tribes, ethnic, clans, religions, and linguistic groups for onward life. Thus, you had a situation of a two speed system: one speed for the elites who ran countries guided largely by foreign-derived values, and another, based on communities' organised sentiments and skills of survival in a situation of neglect, and therefore becomes a do or die struggle. Incidentally, the African leaders and people have discovered for themselves where they have missed the correct road to prosperity, self-fulfilment and a higher standard of living. Thus, leaders and people appear to be looking and moving in the same direction. Good enough news- nowadays Africans have decided to build their power base, in its totality, in their continent.

If anything, it must be known to any intending drafter, that the context of crafting decisions on peace and security issues in Africa is larger than one can imagine. Given that this is a social science process, one cannot talk of imperative of scientific approach;

rather, one can say it differently, that, the drafter has to take account of various actors and factors that often go into play within any crisis or conflict situation.

Member States are, in principle, the principal actors. They are principal because any decisions that one takes on a matter of peace and security would affect, in one way or another, their national interests (national security, wellbeing of the population, security of state institutions, safety and protection of physical and economic infrastructures, international political and economic relations, etc). For this reason, a proper decision crafting process should be centered on ideas and efforts of Member States, and driven by their agencies (persons with crafting authority). Now, this pre-supposes that each concerned member state has the capacity and resources to effectively engage in a decision crafting process. Short of this, the process would be taken over, by force of circumstances, or by wish of concerned states, to subsidiary agencies (persons in professional posts and not employed by those states decentralizing their agency to craft decisions): thus, one may speak of (i) direct drafting, which is done by the principal agency of the Member State(s); and indirect drafting, through a subsidiary agent (s); this one is like a lawyer putting another person's case in appropriate formulation and language relative to that person's objective, for going to a court of law. The subsidiary agent need to be an honest drafter and willing to put in appropriate formulation and language the state's idea into draft decision form, while avoiding incidence of special interest in the process.

### **Civic Communities**

Civic communities are the collectivities of families in any given country. These are the entities that suffer when there is war, and equally enjoy when there is socio-economic development and growth, both the proceeds of which should be fairly distributed across the various layers of the population and regions of a country. As much as possible, inequality should be fought against. One way of doing so is by ensuring that those regions of a country with better opportunities in terms of natural resources, and therefore more socio-economic activity should be made to transfer a good part of emanating proceeds to the less endowed regions. This also requires that government puts in place sound physical infrastructures that can facilitate movement and circulation of people, goods and services (techniques, ideas, etc). By the way, physical infrastructure has a great role to play in enhancing both political and economic democracy. As one puts more main roads, dense feeder roads networking each village or settlement to its neighbours, well routed rail lines, efficient telecommunications, internet services, etc, the good effect, thereupon, is empowerment of communities both politically and economically. Communities get more enhanced in every way, once there is good infrastructure: talents will come out; ambitions will multiply; geniuses will converge; so will intellectual philanthropists, innovators and new techniques. This is what communities in Africa are still missing; and violent conflicts come tear to apart the little infrastructures in place and disrupt civic communities. In addition to the destruction caused, civic communities lose their collective capacity to continue fully and well thinking, producing and reproducing, which constitute a wholesale loss to a country. The disruption caused by violent conflicts brings up much despondency and restlessness in

local communities. Hence, crafters of decisions on peace and security need to keep these things high in their minds.

### **Non-governmental Organisations (NGOs)**

Non-government Organisations are sometimes lumped together as non-state actors. These are organisations set up by citizens of any given country to pursue specific objectives: some pursue research; some others pursue peace and security issues; others pursue development issues, while still, there are those which deal with social and environmental issues. What is common amongst NGOs is that they are voluntary and self-funding (they mobilize resources from both public and private sector, including from philanthropic organisations). Each of them operates on optimal scale commensurate with its budget, program and ambition. A good number of them seek to influence both public and private policy in favor of their membership or a community of interests that they represent. NGOs tend to be quite active, in order to be able to keep on attracting funding support.

In the case of Africa, there tends to a concentration of non-state actors dealing with peace and security issues, as funding is relatively easier to mobilize, though in somewhat smaller amounts. Being so positioned, those NGOs are able to assist policy makers with useful information and studies; inversely, NGOs can mislead policy makers, or cause panic, through emotional analysis, thereby raising the risk of policy makers taking pre-mature or wrong decisions. In Africa, it often happens that NGOs campaign for certain decision to be taken, regardless of whether they would be implementable or not. Implementable or not, the value of such a process for NGOs is to create conditions to get funding.

What issues and factors should you take into account when crafting a decision within, or meant for an African peace and security organ, such as the AU Peace and Security Council and its similar counterparts at the regional level? There are quite many and one should try as much as possible to marshal all of them together and give them a fitting and well-interwoven logical construct.

### **Africa is a single geo-political entity**

Peace and stability in one part of Africa, is a benefit to the whole continent. This is because of the one-ness of Africa, in spirit, vision, geography, economy and totality of existence. This is the reason why the “indivisibility of peace”<sup>9</sup> features in the Common African Defence and Security Policy (see PSC Protocol). Where one finds a part of Africa being sick, or unstable, the pain at that part will affect the entire continent. Look at the events that followed the “Arab Spring of 2010-2013 – the upshot of instability in those countries, especially in Libya, created a wave of instability with continent-wide repercussions (intensification in illicit circulation/proliferation of weapons, increase in drug and human trafficking, expansion of organized transnational crime). APSA is continental and therefore, when crafting an APSA-inspired decision, you have to fully bear in mind the geo-political and geo-strategic oneness of Africa. Your crafted decision must be seen to have an Africa-wide effect.

## **Decisions on peace and security are a kind (source) of political education**

When something goes wrong in a house, nobody hopes that that wrong thing comes back again and again. Therefore, we must put in place steps to keep and follow, to avert recurrence of that wrong thing. This is what a crafter of a decision is doing – he/she is engaged in a process of educating himself/herself, as well as, mostly importantly, educating others nearby or far away. The educative effect of any given active decision is seen especially in the implementation process, as each concerned stakeholder would read, and re-read, trying to understand exactly the actions expected of him/her in implementing that decision, alongside others. When a difficulty occurs in the implementation process, one would, more often than not, see the concerned parties going back to the drawing board, to find out what could have been omitted, in the decision crafting process, and which has then turned into an obstruction to the implementation process. Once the problem is fixed, momentum is regained. Through the tool of well-crafted and well-intended decisions, many African countries, that is, those in conflict and those without it can learn a lot, especially the latter, to avoid making avoidable mistakes leading to violence. Some of the conflicts taking place in Africa are avoidable, that is, if political managers and other political actors would show the will to avoid the most visible, in many of these cases, conflict-trigger mistakes.

## **Political management**

You have to realize that you are dealing with issues of political management. Whilst the term management is often used in relation to economic issues, factors and processes, it can also apply very well to the world of politics. When things go wrong in a given country, surely, there must be some disruption of the normal political management process, either due to endogenous actors and factors, or exogenous ones. Faulting within the State is a function of political mismanagement. To address the problem, one has to restore normal political management, e.g., re-asserting the constitution as the supreme law of the land; confining the military to its professional function; yielding to a negotiated process to meet legitimate demands; duly amending a constitution, as informed by relevant socio-political climate, etc. Can a leader, for example, by issuance of a mere decree, abolish monogamy in favor of polygamy or vice-versa? If the prevailing socio-political climate has not created conditions for such a fundamental shift in the social setting, the decree may gather dust in State shelves. Thus, a crafted decision must, by its content, be such that it triggers a return to normal political management, based on constitutionalism, supremacy of rule of law, satisfaction of basic needs of citizens and respect for renewal of genius, in all sorts, without which a State would plunge into a course of decline. Thus, a crafter of a decision in this context is actually a contributor to normal political management.

## **Finding deep layer causes of conflict/crisis**

Just look back at Africa's experience, since 1963, with conflict management and resolution. It is all dominated by treating symptoms. You cut a tree that you do not want in your field, but you choose not to dig out all its roots and supporting conditions. You would, naturally, find the tree re-germinating from its down in the earth sub-surface active roots, and supporting availability of food, moisture, warmth and air. So, the

trouble comes back to your field and your crops. It is not enough to deal only with symptoms and triggers for a crafter of a decision; rather, deal with all the three factors: root causes (e.g., poverty, exclusion, marginalization, forced assimilation, etc.), triggers and symptoms.

### **Saving lives**

Crafting decisions is about promoting life, saving lives and property, protecting the weak or the harmed, in face of undue powerful political actors, punishing wrong doers, rewarding peace builders, promoting peaceful neighbourhoods and active livelihoods. All these intents are both socio-political and humanitarian. If a crafted decision, adopted or not, does not respond to these needs and calls, then it is not worth anything for its vocation, as defined by its crafter.

### **Funding**

If the argument is that west European aid is necessary as part of undeclared compensation that the people of western Europe have to pay for the damage that their ancestors caused to Africa during the trans-Atlantic slavery and colonial periods, as well as for their past exploitation of African labour and resources, without due benefits to the local African population, then, morally, that aid should be directed to the right areas where basic needs of the population are adequately fulfilled. It must be vested in the driving areas of socio-economic transformation and development; it must fund and drive forward innovations. That has not been the case in Africa, since the 1960s. Aid money has not gone to areas in which, if the Africans were to pause a moment and seriously assess, they would not see real change that they would be satisfied with in terms of aid application and the level of effectiveness. Is it not that the west Europeans applied the United States of America's "Marshall Plan aid money"<sup>10</sup> to transformative and developmental sectors? The difference that Western Europe makes in socio-economic terms today, as compared to other regions of the world, is because of aid use effectiveness and constant drive for innovation, in addition to the free access to African resources and free African labour obtained during the slavery and colonial periods.

As for Africa, even the foreign aid that went into the African peace and security sector from 1960 to 2000 has not been used to deal with the crucial aspect of the root causes of conflicts. Instead, the aid has been used in fire-brigade strategies to deal with symptoms of conflicts. It also happens that foreigners provide aid at the same time that they facilitate, directly or indirectly, the inflow of fresh spears of slaughter in the form of small, light and big weapons. Surprisingly, the Africans have not risen to the task to challenge and reverse this deadly trend in the past.

Foreign aid in Africa should be better applied to and implemented in areas of intra-state integration, inter-State integration and continental integration. It should go into funding major innovation, infrastructure and engineering projects. Of course, no country outside Africa could give more aid to the continent so that the continent becomes even more developed and powerful than the aid giver. International politics and relations do not work that way. But the African people could make themselves more powerful by applying and using foreign aid in appropriate areas – that is, those areas that have a

positive impact in terms of socio-economic transformation and development, with generation of benefits to the entire population.

In the 1990s, some observers and writers were characterising Africa as a hopeless continent. At that time, it was not clear whether it was those writings that were hopeless, or the continent itself. The Economist, in its publication on 13 March 2000, declared Africa “The hopeless continent”<sup>11</sup> (<http://www.economist.com/node/21519234>). Some even talked of the need for “Africa’s re-colonisation”<sup>12</sup> with a view to turning around the continent in a positive direction. Advocates of re-colonization mistakenly thought that Africa would never rise up on its own volition and intrinsic id and energy. They mistakenly thought that only external forces could transform and develop the continent.

Around 2003, observers and writers on Africa started changing the focus from hopelessness to high potential. The Economist wrote in 2003 about “Africa: a rising Continent”<sup>13</sup>. By 2012, the Africans and other people elsewhere in the world perceived Africa as the continent of attractions, poised as the land of the future. No other words can better describe the changing perceptions of Africa than to say that Africa has come back again, at full swing in the 21<sup>st</sup> century. Various pundits started advancing the concept of the “African renaissance”<sup>14</sup>, to reflect the new promising self-turning around of Africa and its people.

It is a fact that Africa has lost several centuries of innovation and socio-economic development, as the incidence of slavery and colonization, as well as externally driven exploitation, had the impact of reducing Africa to a supplier of raw materials and free labor to the Americas and Europe, whilst at the same time being a dumping place for foreign ideas and produce. This was Africa’s experience, for all the long period from the 11<sup>th</sup> to the 20<sup>th</sup> century. But the continent emerged from that predicament and, again, emerged to re-assert itself in world affairs in a forceful manner. The impact of the African movement in the 21<sup>st</sup> century will be felt all over the world. It will be felt with greater reverberations across the globe than what the world witnessed with the advent of socialist and independent countries on the international scene in 1960s and 1970s. Their arrival caused fundamental changes in architecture of global, legal, political and economic governance.

Funding is the linchpin of all decision-making process and subsequent implementation. It is cheaper and easy to start a conflict; inversely, it is very costly and time consuming to end a conflict – when you trigger a conflict, you are awaking up and calling on all sorts of demands, energies and even demons to activity. Naturally, a conflict breeds variety of demands, including those that could have stayed to eventually die, if no conflict erupts. Africa’s main obstacle, obstructing its will to end exiting conflicts and prevent fresh ones, is lack of timely funding, and lack of good amount of it, whenever it comes. Some, who have it within Africa, have no will to give out the money to finance prevention and ongoing conflict resolution processes. Those outside Africa usually provide funding too late, with conflict in higher magnitude, and with the money coming with strict conditionality. But this is a good lesson for Africa and its people – this is about going to the school of prevention. Some have defined Conflict Prevention as ‘conflict resolution’, while others refer, generally, to a “plethora of activities that seek to address the root causes of any conflict system”<sup>15</sup>.

The process involves activities aimed at containing a conflict, as well as finding solutions to it. In the effort to resolve conflicts, considerable political, human, material and financial resources are required to achieve peace. The efforts of the OAU, later, African Union, and those of the United Nations and others, in respect of violent conflicts, do fit into this view of conflict resolution. Indeed, let us actively prevent conflicts, as it saves us money, life and property and it preserves, if not actually boosting, those opportunities available to us, to enhance socio-economic development. Remember that resolving conflicts never thrives on promised funds, but on real time funding.

Imagine that you have been given an urgent task to draft a decision for your peace and security organ on a just erupted conflict situation. What elements are you looking at to include in that draft? In other words, what is the guiding framework by which you can ensure that you have included all the essential ingredients? Keep in mind that you are working in an African setting, as defined above. Here are some lead considerations for such crafting.

### **Is this a fresh conflict or it is a re-erupted conflict?**

Suppose it is a re-erupted conflict, and then the starting point is to look at previous reports and decisions on that situation. What was decided and why was it decided in the way it was done. In this case, you would have to recall those decisions, at last the most decisive – those decisions that provided for concrete actions on the ground.

If the conflict is a newly broken out one, then you have to start by looking at the condition of life of the affected population. It is your feeling of the impact of the conflict that would drive you to infuse key introductory elements – for example, killing of civilians, violation of human rights, destruction of material property, displacement of people and their drifting away into safer areas in the country, or into neighbouring countries. Even if the situation is short of violent conflict, but it is a natural disaster or man-made disaster, your consideration of the impact on life and property, and how to help out the affected people, or communities, should drive your topmost elements in your draft.

### **Settings and Lead considerations for a crafter of decisions on peace and security in Africa**

It is a golden principle that a crafter of decisions on peace and security issues (or any other area of issues) should be emotion-free (calm and objective) and must use the widest net (catchment area of information, data, intelligence collection) to get inputs into a draft decision. Those inputs are pieces of information (data) relating to a given disruptive situation. Those inputs are also variegated in terms of their nature: cultural, social, ethnological, anthropological, political, economic, environmental, etc. Why may two ethnic groups in the same country start fighting? Why may a given government start oppressing its people, violating their rights and undermining their security? Why may one country decide to invade its neighbour? Before such disruptions, why were preventive measures not taken? How can the disruption be stopped and life returned to normalcy? These and other questions are factors that should occupy a crafter's mind.

### **a) Inter-state decision making organs**

Africa is not short of decision-making organs on peace and security issues concerning national, regional and continental level threats. What is needed is to make them work effectively, in a system that promotes synergy and convergence of purpose to get more impact. At the continental level, the Peace and Security Council of the African Union is there and functioning, but amidst some constraints, including lack of common diagnosis or analysis, occasional lack of timely delivery of information, inadequate publicity on the work of the PSC and its decisions, tricky political and conflict/crisis situations that may tempt the PSC to make decisions that do not resonate well with a targeted area and its population (this is more so when it concerns consideration of issues relating to unconstitutional change of government), inadequate logistics, etc. Then, there are regional level peace and security organs, such as the SADC Organ on Politics, Defence and Security Cooperation, the ECCAS Peace and Security Council, just to give some examples. These regional level organs also have challenges that are not dissimilar from those faced by the AU PSC. But, whatever the constraints, the physico-political settings are there for a crafter of decision to work. Beyond, one sees the national level institutions and mechanisms that feed into the regional and regional levels, whilst the latter also feed into the national level. So, you have a system at work.

### **b) Situation on the ground**

A capable crafter must try as much as possible, and as frequently as possible, to get real time information about what is happening on the ground and on the way a given situation is impacting on the affected population. It is all about saving lives before anything else. That is why a crafter should know clearly what is happening to the people in a crisis or conflict area. A crisis/conflict is a kind of disruption in the social, political and economic system. So, it is the pattern of life of people that is attacked and people begin to suffer, directly affected and reduced to being refugees, internally displaced persons, starved persons, stateless persons, besieged persons, homeless persons, etc. Political actors are reduced to emergency decision takers, with a lot of risk for false or wrong measures. Economic activities and commercial circulation are disrupted. Indeed, clear information about the situation on the ground is the first strategic tool that a decision crafter has at the outset. Of course, to get real time information, one needs eyes and ears on the ground, on site of crisis/conflict, or in the closest proximity of it. Using the African Peace and Security Architecture, this is possible to do, through the chain of movement of information from the RECs/RMs and national focal points.

### **c) Reports**

Information relevant for decision-making is usually channeled to the users through reports; but those reports must be authentic and authoritative. Hence the need to make the reports of a chief reporting and accounting officer of an IGO. The report must be about questions of veracity of source and accuracy of content. So, the report has to be factual. Surely, the writer can inject some observations and tentative

conclusions in it, just for the purpose of assisting those who have authority and mandate to use the report and make decisions. A crafter, as a must-do, has to read and understand a report on a given situation.

#### **d) Consultations/meetings**

A crafter of decision has relevance only if his/her work feeds into consultative interactions, exchange of information and decision-making meetings. In all these events, facts about happenings on the ground are brought up and compared; combined analysis is done and some observations and conclusions are drawn. In the African variants of inter-state peace and security organs, one may find that consultations and meetings at RECs levels are often done at Heads of State and Government level. This is so, as regions offer operational proximity, hence these heads can easily travel and meet to take decisions. It is not so easy to do the same for Heads of State of the Member States of the AUPSC: PSC Protocol provides for two meetings a year at this level; costs are higher to bring all members of the AUPSC at Heads of State level from time to time – in any case, Heads of State are ever busy and it is difficult to get all the fifteen heads to meet in Addis Ababa. Therefore, what is possible is that the AUPSC meets most times at the ambassadorial level. Of course, in line with PSC Protocol provisions, ministers of Member States of the AUPSC are also supposed to meet twice a year – but the practicality is a different matter altogether.

The APSA provides for African peace and security decision-making organs to invite those Member States directly affected by a given conflict, or even those indirectly affected, as long as there are interests that are affected. Security and safety of the State, its population and material property are usually the key interests that drive curiosity to participate in consultations and meetings to address conflicts and crises. So, there is no exclusion, as the PSC Protocol has rules that allow Member States to be invited by the AUPSC or by regional level organs. It then means that a crafter of a decision has a wide net from which to collect his/her inputs into a draft decision. For example, invited guests of the AUPSC or RECS organs are vital sources of information that would have both analytical and comparative value.

#### **e) Knowing and understanding the political network**

Crafting decisions on peace and security is potentially a headache breeding exercise; more so if one does not understand the operating political network and its psychology. This political network is made of inter-linkages between the capital cities of governmental representatives sitting on inter-state peace and security organs, and the physical location of the peace and security organ, which may be thousands of kilometers away. Every capital city deals with both bilateral and multilateral diplomacy. But most inter-state peace and security organs spend more time, if not all of it, addressing issues of multilateral diplomacy and perhaps, in some cases, the use of carrot and stick or use of force.

It is, therefore absolutely necessary for a crafter of a decision to seize clearly how his/her capital feels and thinks about a given issue under consideration. In any given capital city, there are two most visible people that forge and give instructions to their political representatives – it is the Head of State and Government and the Foreign Minister (titles may vary). So, an ambassador must know what his/her capital wants and which position it takes on a given issue. Failure to do so would amount to a situation whereby the ambassador is working in a vacuum, to the risk that he/she may contradict his/her capital city and face the consequences. Even if it is a group of ambassadors, as long as they may be tempted to think independently of the capital city, that group runs the risk that the decision that it takes would be reversed or simply condemned to stay on paper. On this note, it is therefore, necessary that African inter-state organs on peace and security have the necessary skills, capability and willingness to engage in a member state-driven/member state-centered crafting of a decision. If this fundamental task is left entirely to the supporting non-member state secretariats, there are more risks, as such secretariats are not in the political network and:

- Do not necessarily have contacts with capital cities to know their respective positions on a given peace and security issue.
- May have their own pre-conceptions about the kind of decision to be crafted for adoption, regardless of whether or not it suits the situation on the ground.
- Do not bear any responsibility, beyond using a pen to scribe, for failure in implementation of a decision.
- Secretariat may manipulate some member states to drive the final content of a decision in a certain direction, because the secretariat prefers it that way.

Indeed, it can happen that when Member States lead crafting of their decisions, they take much time, as each one of them tries to push for this or that type of content, which is the normal thing to do, but this approach offers some guaranty that the adopted decision has an effective parent to take care of its fate, especially implementation. Usually, this process also reduces the risk of U-turns (abandonment of a decision) being made by member states from a decision that they may have adopted under certain circumstances, without an in-depth look at the situation, or due to push factors coming from a secretariat and its peddling of influence. Decisions on peace and security directly affect the life of a given country and its people, hence they have to be taken in the most objective manner possible. The APSA has efficient safeguards on this: a concerned country is invited to make its case, asked questions to clarify issues and give more information, then leaves the meeting; thereafter, the AUPSC discusses a situation at hand freely, without the constraints that would occasion that meeting, if the country (s) in conflict stays in the meeting to also participate in shaping and making the decision.

### **Enlisting the role and support of the UN Security Council**

The UN Security Council may have its own defects and sluggishness when it comes to the challenge of providing early responses to conflicts/crises in Africa. We dealt with some of the factors accounting for this tendency, and also the fact that, to date, Africa has no permanent member(s) on the Council. To have one would help Africa to shape

the debate, thinking and outcomes of limited/closed consultations among permanent members of the UNSC, for example to discuss peacekeeping matters and deployments. To have an African permanent member would help Africa in persuading the powerful countries that a peaceful Africa can pay greater dividends to both the continent and foreign investments of transnational corporations.

Yes, all the above, but, according to the UN Charter, the UNSC cannot be sidelined on matters of the maintenance of international peace and security – this is its primary responsibility. So, the approach of an African crafter of decisions should be one of engaging to explain and convince on the merits of taking certain actions and the risks that may ensue as a result of inaction. The UNSC can be attracted towards certain actions through such initiatives as joint studies to be done by secretariats of the AUPSC and the UNSC, joint AUPSC/UNSC field visits to listen and gather firsthand information on the ground in conflict and post-conflict zones, joint consultations (already taking place), joint seminars, etc. Essentially, the idea is to gather shared/common analysis, as, with that, the AUPSC and the UNSC may establish common parameters for response, even if no common decisions are taken by the two sitting together. Furthermore, it must always remain in the mind of the decision crafter that continuous and effective coordination between the AUPSC and the UNSC provides momentum to this process. In this, the African members of the UNSC can provide a contribution.

### **Types of draft decisions on peace and security issues**

Decisions crafted and adopted for the area of peace and security domain usually look closely alike, so much so that one may find it difficult to categorize those decisions. Essentially, each decision is a manifestation of the use of power, authority and legitimate allocation of resources with a view to saving lives and bringing back normalcy of social, political and economic life in a given area. But now, these decisions tend to naturally distinguish themselves following a pattern whether a decision was taken for prevention purpose, conflict resolution purpose and operational purpose.

#### **Preventive draft decisions**

These are decisions that, because one has collected reliable early warning information that a given situation may deteriorate and evolve into a disruption of life and the environment, are taken to pre-empt that state of things that a given situation may bring. This is the most intelligent decision that a crafter can develop and get adopted. It is cheaper and almost controversy-proof. In this context, one has more chances of getting a convergence of interests of concerned actors. By judgment or choice, Africa needs more of this category of decisions. If so, it then dictates that the Continent and its people should possess an effective early warning system, with adequate operational infrastructure. That early warning that Africa needs comprises both formal and informal dimensions, with equal emphasis on both. Popular early warning, just like popular intelligence gathering and transmission, may offer more potential to deliver comparatively better results.

#### **Arbitrational draft decisions**

Arbitrational draft decisions are exactly what the word ‘arbitrate’ means: to dictate terms of settling a dispute, with incontestable proviso that none of the parties to the dispute can put to question the terms in the arbitration. In some cases, the parties themselves opt for arbitration and they commit to accept the outcome and implement it. In other cases, a competent organ (entity) vested with power, authority and legitimacy can settle a dispute through arbitration and cause the arbitral order to be effectively carried out. Article 4 (h) of the AU Constitutive Act comes closer to providing conditions under which a competent AU organ, such as the Assembly of the African Union can take an arbitrational decision to foster a desired situation or put an end to an undesired situation.

### **Conflict resolution draft decisions**

These are the decisions that African variants of peace and security decision organs are adopting very often to address crisis and conflict situations on the continent. The high frequency at which these decisions are taken is an indicator of how crises and conflicts easily erupt in Africa. This is because the root causes of these phenomena are often left unresolved, and so, they re-germinate later. It is also about Africa and its people not consciously deciding or determining what constitutes safer, more secure and normal life. Western Europe has done that, even giving the best model in terms of quality of life and its habitat; North America has done that; China has taken steps to do the same, so have India and Brazil. Africa has still to do it: let us (we Africans) define the conditions that we must say are totally inviolable, as they are sovereign in constituting the set up and sustenance of a normal life for an individual African person living in Africa, wherever the specific site of such an individual may be. This seems to be the crux of the matter. Be that as it may be, the case in future, then, one will know how an African must live outside Africa, should he/she happen to live so – enjoying the same or closely similar conducive conditions.

Conflict resolution draft decisions can take a prohibitive thrust or a permissive one. It is prohibitive when a peace and security organ estimates, despite the previous dominant trend of thinking, driven by certain circumstances, makes a fresh critical analysis, in which process new elements may be obtained, that a different conclusion needs to be reached. This change of direction may come as a result of the party or parties in question further clarifying issues, or convincingly proving that a previous trend of thinking was not based on consideration of all relevant facts. For example, when the AUPSC decided, at the highest level, in January 2016, that Africa was not to deploy (the prohibitive thrust) an African force in Burundi to address the country’s internal crisis, that new steps, almost in U-turn in direction, could only have come from some realization that all relevant factors should be considered, instead of rushing and falling into further complications. This new step was prohibitive, marked by an order for no action to deploy a force.

A permissive focus comes when a decision-making organ strongly feels, or is fully convinced, that a given situation must be caused to transform into another state of things. In this context, order is given for action to be taken to cause traction, so that the expected state of affairs is reached. Article 4 (j) of the AU Constitutive Act comes closer to providing conditions for taking permissive conflict resolution decisions. For example,

in 2010, The Government of The Comoros requested the African Union to assist it put down a rebellion led by Colonel Bakari. The AU found merit in the request and decided that a coalition led by the United Republic of Tanzania undertook the provision of Article 4 (j) assistance to the Comoros. There was a clear case of a permissive focus in a conflict resolution decision, it being recalled that, up to that time of the request, The Comoros had transited through one political crisis after another.

### **Operational draft decisions**

The APSA, as articulated in the PSC Protocol, provides for the African Union to deploy peace support operations – meaning activities that are designed to facilitate implementation of a mediation process, crisis resolution dialogue, peace agreement, or post-conflict reconstruction. To do these operations, decisions that guide those operations are made from time to time, as circumstances in a given area of operation change. Operational decisions are the micro-manifestations of the stages of evolution towards maturation of the original conflict resolution decision- naturally, the process of implementing a decision targets a sought for end-state, which, if reached, is the maturity point of decision, where it ages off into a library.

### **Promotional draft decisions**

Promotional draft decisions are those formulations that aim to make a given idea or theme better known and therefore popular in a community. The AUPSC produces several promotional decisions each year on various thematic issues: women, peace and security; women and children in situations of conflict; elections in Africa; natural resources, illicit financial flows and conflict in Africa, etc. Promotional formulations usually aim to strengthen adherence and support to a given cause.

### **Deadlock (stalemate) breaking draft decisions**

In most cases, one will find that crises and conflicts relating to land claims, or border demarcation often plunge into stalemate. Land claims are usually complicated due to involvement of aspects relating to history, resources, settlements and graves, cultural sites, including shrines, shifting positions of waterways, etc. It is more so when the parties are of comparatively similar strength with respect to military economy and overall economic situation – thus, none is able to tip the balance in the contest. Otherwise, it would take an outsider to the land dispute to intervene in favor of one side, thereby tipping off the balance. However, this may not be an effective and sustainable solution. It is only a give-and-take approach, premised on strong political will and public support that can produce a viable and sustainable solution. Short of these kinds of factors intervening, it would be left to time, for attitudes to change, with some of the hardliners in the conflict getting consumed and some of the concerned communities turning around to let it go. Power sharing negotiations also often plunge into stalemate. In crafting a decision aimed at breaking a deadlock, whatever the nature of the issue, one has to take into account key factors such as:

- History of the dispute;
- Grievances and interests of each involved party;

- Public attitudes, including support for non-violent solution;
- Necessary conditions to move each of the parties towards a compromise;
- Sub-divisibility of the disputed land, or formula for fair distribution of key political posts in the case of a power sharing deadlock;
- Compensation calculus, in order to get a no-loser/no winner situation.

Essentially, in crafting a decision to break a stalemate, one should avoid, as much as possible, a go away-with-empty hands approach for any of the parties. To do so, is tantamount to buttressing continuation of old wounds, that would one day open more, thereby causing additional pain – this would then result in a fresh trigger back into violent conflict.

Well, immediately above, we have been looking at types of craft decisions that one can say are products of the African practice in the domain of peace and security – a practice that has been evolving across decades and continue to do so; however, the practice has not been effectively documented in the sense that when draft decisions are adopted, very little has been done to look at the results of those decisions and why some of those decisions have been implemented, while others got doomed onto shelves to gather rot. One cannot say that this contribution has fully addressed the gap, but, indeed, it represents a beginning to fill the gap.

Lastly, on this issue of types of draft decisions, one needs to also look at another critical factor, namely, the credibility of the decision-making process. This process should be done calmly, and never under conditions of undue and reckless rush. To rush to craft a decision is equal to killing a decision, at the draft stage, or after it has been adopted. Even in weighty circumstances, such as genocide, in which case rushing may impose itself, wisdom, balance of opinion, fairness and justice need to converge in the hurry to bear their marks on the decision to be taken regarding action to be taken to stop genocide and protect innocent people.

### **Credibility of decision-making process**

It should be borne in the mind of any crafter of a decision on peace and security that:

- It is not so much the quantity of the contents that go into a draft decision that counts for what happens on the ground;
- It is, equally, not so much the emotions that might have characterized debate on a given issue that influences the way a situation would further evolve on the ground, and
- It is, also, not even the divisions that would have occurred in a meeting during debate on a given issue that determine the way things would go;

Fundamentally, it is the credibility of the decision-making process that determines how well or badly a draft decision to be finally adopted will be effective on the ground. It is the credibility of the process that determines the fate of a decision in a real situation. In other words, due process needs to be followed. The credibility of a decision-making process involves a number of basic elements, namely, for the most essential:

- Conformity by the decision-making organ to the rules of procedure in force.

- Adequate time for invitations and consultations to ensure appropriate participation and putting in place logistical and technical requirements for a meeting that is planned to take place.
- Unhindered participation of decision-makers.
- Unhindered participation of those involved in a dispute or conflict.
- Participation of those parties (like neighbouring countries) that are affected by a given dispute or conflict, and how it is to be resolved.
- Availability of objective reports and briefings.
- Neutralization of undue interests (some countries, because of their power, might just want to push towards a particular outcome, even if such outcome does not address the difficulty at hand; this risk is more pronounced at the UN Security Council where pen-holding – crating resolutions - has been confined, historically, since 1945, to a certain group of countries – the five permanent members or a smaller number of them thinking in a likeminded manner on a given issue.
- Exclusion of parties to a dispute or conflict from the stage at which determination of the case is made and a decision taken.
- Unbiased crafting of the outcome – the decision to be adopted (this is the most critical stage at which the involved states’ representatives or their technical agents, have to pay great attention and due diligence; this requires that these crafters both listen very carefully to all points of discussion, as raised by different speakers and understand the issues and problems at hand with clarity. This is about influencing a given situation, so that it would evolve towards security and stability, which are the prelude to peace – the required state of things on the ground).
- Fair and just distribution of key points and messages across the profile of a decision between positive actors and negative actors in a given situation (those who are constructively working towards achieving security and stability need to be recognized as such, and further encouraged; while those that continue on a path that obstructs progress should be given warning messages and requested to change course).

### **Conclusion: Challenges at Hand/Ahead**

Indeed, Africa has fairly effective decision-making organs and processes, thanks to the African Peace and Security Architecture. These organs and processes have the potential to become even more effective. For that to happen, Africa has to address two sets of inter-linked challenges: the internal challenge and the external challenge. Africa has the will to decide well and end its decades-old violent conflicts and frequent outbreaks of crises. But, alas, the continent’s space to decide independently, in the best of logic and height of the aspirations of its people is obstructed by factors in the international political system. Those factors constitute the external challenge. The obstruction felt by Africa is closely related to the budding notion that African countries and nations, one day, may establish a type of United Nations of Africa during the course of the 21<sup>st</sup> century. This is more so because Africa and its people feel that its interests are often unnecessarily overshadowed or unduly obstructed, especially by the so-called permanent members of the UN Security Council. Already, as can be seen today, Africa has established its own continental Peace and Security Council, with a modus operandi

that seem to be more effective than that of the UN Security Council – this organ is often bogged down by veto and inaction, all that amidst major political and humanitarian crises. In some cases, permanent members fight wars by proxy, with a view to determining their variable respective zones of influence, at the expense of the affected communities. Some of them invade other smaller or weaker countries, simply because those countries seek either to improve the international political system or simply want to hold their own proper views and methods of work. The Middle East and Africa, as well as the Korean Peninsula, remain clear examples. In the past, the once divided Germany went through similar ordeal.

Some observers and political actors in Africa assume that those permanent members seek to keep Africa in a state of foreign ideological, political, economic and strategic domination. Whilst China and Russia, individually, or together, and for their own interests and concerns, tend to engage in a power and influence struggle with some of the western countries, that struggle sometimes negatively affects Africa - all those outside Africa would then watch to see which side Africa leans towards. But that should not be the case for making opinion. Africa should define its own place in the global sphere of things and life. Therefore, Africa cannot, realistically speaking, stand up to say that the USA or China and Russia should be the ones to promote African interests. Rather, Africa should start watching where these permanent members are leaning towards: to Africa or to where? Africa needs to start building up an inward looking and an outward looking worldview, and sustainably keep these two at good balance. Only Africa and its people can champion their interests, once they have clearly defined and owned them, and not any foreign power. If Africa were, again, to start counting more, for support, on foreign powers, it would lose crucial and considerable transformation and development time and opportunity in the 21<sup>st</sup> century.

One sees that, since 2003, among other gigantic steps, Africa has embarked on a campaign seeking a reform of the United Nations system, including, in particular, its Security Council. In this campaign, Africa's aversion and impatience emanate from the fact that there is a pattern among the UN Security Council permanent members, that make almost all of them, remain prisoners of past glories, to such an extent that they have become blind to the winds and heat waves of a changing world. They seem to be deadily attached to the facts of history that:

- They came out as the victors at the end of the Second World and determined the post-war world legal, political and economic order.
- They possess highly decisive technology, especially the military dimension and therefore, their domination and decision-making cannot be challenged.
- There is need to maintain the effectiveness of the Security Council, signifying that they want the Council to operate in the ways that they, themselves, determine.
- Africa's time has come for it to acquire a permanent seat (s) in the UN Security Council.

One may sensibly argue that Africa can work to overcome the external challenge with less pain, but more effort. World history has shown us that there are permanently

powerful nations and countries; powerful nations come up by making themselves, when they seize very well their time to do so, once it is at hand. Then, after their birth, those nations grow, work, dominate certain parts of the world and enrich themselves from within and from the world, but eventually age out over time, thereby declining. The life spans of powerful/dominant nations vary, depending, essentially, on the capacity of each to prolong its overall genius. The United States of America, with its elaborate array of sharp and active thinkers and intellectual adventurers, marked by insatiable hunger for innovations, and the country's national conscience to upkeep its competitive demography, coupled with veins of American philanthropy reaching out long and wide into the world, may stay longer as a global dominant power. The now self-out phased Union of Socialist Soviet Republics, which disintegrated in 1989/1990, was only able to remain a dominant global power from 1920 to 1990, after which it declined into a semi-global power. China is a rising global power, with a potential to outcompete the USA and squeeze the later into a second rank global power. India seems to be trailing behind China, but not too far behind for its ambition to become a global power in its own right. Now, in Africa, it seems that the pattern to evolve would be different. There does not seem to be as much likelihood of individually rising Africa global powers, as there is for Africa to rise, as a whole continent, into a status of a global power. Past centuries have seen the rise of individual nations into global powers; the 21<sup>st</sup> century may offer us a different experience, with entire continents striving to become and achieving the status of global powers.

The question is: what does it take for Africa to evolve into a status of a global power? Because Africa has to so decide, without such a decision being vetoed by others. To reach a global power status needs a capability for decisive and consequential action, vis-à-vis threats and this requires the right mix of means. No easy answer is available. The question calls for a lengthy debate. Let me throw on the path of such debate the following issues:

- a) Africa needs to overcome the specter of political unpredictability that started at the advent of independence in the 1960s. This unpredictability has frozen and continues to freeze and paralyze the huge capability and potential that the continent possesses: young aspiring and dynamic population; vast arable land; rich waterways and huge endowment in natural resources. Simply defined, this specter of political unpredictability means that each of the continent's inhabitants cannot do much or more, at any given time and place, as the next day, week, month or year is uncertain; one does not know what will happen, with the outbreak of crisis or war, or rise in unemployment, poverty and crime, being the most feared. It is all a restless situation, which does not allow adequate stability to mind and body, to enable them to stabilize enough for innovative work. Each person is always trying to defend and protect the little that is at hand, lest it disappears and forced migration or death nears.

This specter started slowly and grew faster to spread across the continent. The Africans that inherited the reins of power at the fall of colonial regimes faced a dilemma: to democratize or to centralize and personalize political power. Colonial political residue happened to emerge, immediately after independence, to

threaten the new power incumbents, striking fear of overthrow into them, and thereby causing hesitations. Then came the instinct of political self-survival, which pushed most post-independence power incumbents into centralizing and personalizing power, with extreme cases in which state political power simply transformed into family property.

Democratization failed to get a chance. It was easy to fight against colonial rule, in the name of democracy (one person, one vote) because the colonizers were foreigners and did not have any grounds for legitimacy and longevity – their destiny was always to fall. But then, the advent of independence was confused with and mistaken for the birth of democracy – but hardly was this so. The post-independence political space became a fighting ground between African power incumbents, facing over-hanging threats of destabilization and deposition by neo-colonialists, rapacious transnational corporations (giant business conglomerates from outside Africa) seeking continuation of cheap labor supplies, unregulated access to natural resources and markets, as well as high profit, tribal and ethnic manipulators, religious ideologists, corruptors, rag-tag militias, mono-ethnic armies, dishonest bureaucrats and pseudo-intellectuals. The vicious fights among them for gain and control destroyed the space for social, political and economic democracy. Caught up in this predicament, peasants and workers reduced their concentrations of mind and body to mean definitions of life: bare existence. As for the intellectuals, instead of them standing up against the new scourges, as should natural be their role, gave up, joined the fight on this or that side, with a significant segment eventually surrendering and travelling abroad to live and work. That brain drain is still haunting Africa. These scourges and the brain drain consumed older intellectuals, leaving no one to train younger intellectuals for Africa's future. The call-back our African brains campaigns that were launched by some countries long after independence bore less fruit – the few that came back, later went back abroad due to persistent political unpredictability that they found once they returned back home. Peasants and workers, with their usual no-option-but to stay, bore the brunt of this specter, but they made sure that Africa lives on; in the same way that they made sure that Africa got freed from colonial rule. Hence, and without doubt, there is this enormous task of removing, totally, political unpredictability throughout Africa.

- b) Africa also needs to overcome the specter of predatory formation of political parties. A political party is only one manifestation of a country that has sufficiently developed itself politically, to such an extent that its politics cannot be left to the imaginations and wisdom, or lack of them, of a king or a queen or a theocrat. Political parties become predatory when, if they are in opposition, they exclusively seek to overthrow the party in power. Political parties also become predatory, when, if they are the ruling ones, they exclusively seek to demonize opposition political parties, fail them and destroy them. In this nasty political set up, democracy cannot survive and thrive. The public cannot be happy; the population cannot prosper; and it cannot innovate, by itself, for itself, effectively. To have predatory political parties means that one is reinforcing political

unpredictability. This is why, even if Africa is relatively happy that countries are organizing regular elections, which are more or less fair and transparent, there is this persistent pain that the continent has not yet wholly and fully arrived at the stage of fully-fledged democracy, prosperity and happy population. It is political parties of Africa that have a task to undo this specter of predatory political parties. As a first step, African political parties may need to genuinely democratize internally and become predictable in themselves, in succession of party leadership and transfer of intra-party leadership. The public should always see the potential candidates for succession- once done well inside the party, it paves well the path to serene political competition and peaceful transfer of power within the country. It should not be allowed that a party falls into a succession deadlock, thereby leaving some people stranded in power, not knowing who hand it over to, in some cases, this political suspense leads to power just falling down in the street and getting picked up by an army or a militia, or a sectarian group. In such conditions, state security and public security and safety are the biggest victims.

So, how do we go about fully addressing this one? Perhaps, we must go by the route of facilitating the organization of party summits at the continental level whereby legitimate ruling and opposition political parties, with real weightage in national parliaments, and also, in the Pan-African Parliament, meet at certain (agreed) intervals to brainstorm on political situations and trends across Africa, and agree on a political parties *modus operandi* best for Africa. We need to try this route, given that national institutions, regional level and continental level mechanisms, as well as external ones that try to proffer solutions, are overwhelmed by the sheer magnitude of challenges in some cases. In fact, some kind of mini-political summits among political parties are already taking place at the national level. Perhaps, the distinction is that these national level mini-summits are often convened due to fear of violence during or after an election. They, therefore, serve as an event-specific conflict prevention mechanism. But what Africa would require more are long-term conflict and crisis prevention mechanisms that cut across national levels.

There is also one other aspect that one needs to take into account – proliferation of political parties in given African countries. If one asks a question, is there any real need to have numerous political parties in any given African country? For what reason would one need many political parties, when, in any given African country, there are certain grand socio-political and economic trends. Any would-be architect of a political party needs to look at those trends carefully. In the first place, the Berlin Conference of 1884-85, which brought about the partition of Africa among European colonial powers, suffocated the natural political development of Africa. Nations existed, just as ethnic groups and tribes; kings and queens also existed. But the events that were sequel to the Berlin Conference were such that all these African political forms became subservient to the euro-imposed political culture. The entire continent lost its sovereignty and independence. In this European-imposed tragedy, neither African kings nor

African queens, leave alone the collectivities of their subjects (nations, ethnic groups and tribes), got the time to negotiate criteria for curving out international borders, physical location of borderlines, economic space and infrastructure of each political entity. Such negotiations became the business of the colonial powers, which considered each colony as a possession/property belonging to the colonial powers. Where some groups of Africans were consulted about where a borderline could be, that was just for the need of such groups to get a European protector for a given cause – land, resource, waterway, etc. It took time for Africans to find exits from the euro-imposed tragedy, only after World War 1.

Thanks more to the rise of "pan-Africanism"<sup>16</sup> in the 19<sup>th</sup> century, as promoted by some diaspora Africans such as Marcus Garvey, W.E.B. Du Bois and others, as well as to the recognition of their African origin by such writers, that Africa started laying the foundations to recover its dignity, sovereignty, freedom and independence. In 1918, the African National Congress (ANC) was formed in South Africa to fight apartheid. Subsequently, more nationalist African political formations emerged in various colonies in Africa, to fight colonialism, including racism and oppressive political systems. In fact, no African fought white people just for the purpose of fighting them; instead, every conscious African against the system that the white people, and being comparatively less African for that matter, had put in Africa, which system preferred and served white people more and better than Africans, who were in essence, comparatively more African by genealogy and parentage than white people.

Without going deeper into this development, it should be noted that African nationalist movements provided the gestation of political parties in Africa. But a nationalist movement is not the same thing as a political party. This, most probably, explains why some of the African nationalist movements, failed to run their countries smoothly following independence, with a number of them falling into divisions bordering around disjointed governance and weak state authority, or civil war in some extreme cases. However, there are still, in Africa, nationalist movements that took over the reins of power and stood the test of time and temptation. Some of them have even tried to assist similar ones that faced challenges in holding the ground. It seems that, when Chama Chama Pindudzi, the African National Congress and the Ethiopian's Revolutionary Democratic Front, took the initiative to assist, in 2015, the Sudan People's Liberation Movement/Army to overcome its internal power struggles, which were at the root of the 2013-2015 civil war in South Sudan, this was the closest that some surviving nationalist movements, by design or chance, came closer to paving a path towards a possible future summit of African ruling and opposition political parties. It is a must for Africa and its people to strive for it and to facilitate such summits from time to time. Social, political and economic democracy would develop and get entrenched in Africa much faster with such developments as convening summits of ruling and opposition political parties to agree on or review and adjust, as necessary, the rules of political life and put predictable arrangements in the ever present struggle for power and its attributes.

Just look at the grant socio-political and economic trends in 21<sup>st</sup> century Africa and their likely impact on formation of political parties in the continent. There seem to be three contexts that are fast emerging. A political party, depending on the tastes of its founder, may easily fall in one of these contexts (or grand trends):

- Urbanized politics: an increasing numbers of Africans are getting to live in urban areas, with rapidly declining connection to rural areas of origin. These categories of people worry everyday about jobs, income, bread and butter. They need political parties that are able to stand up for such needs.
- Traditional rural zone politics: here, people are still attached to land, especially ancestral lands; land is the basic source of survival and security. Parties that stand to the land-based values would be popular in this category of people. In most cases, these people have the blood of a surviving nationalist movement-turned political party that they identify with.
- Rural/urban borderline politics: in this case, you have individuals and groups of people who see their survival and security as a function of subsisting interdependence between town and rural area. Such people do not see any discontinuity between these two sides of social, political and economic life. A distinction of this category of people is that they are open to new political parties.

Is it not that, if these trends are real in 21<sup>st</sup> century Africa, an aspiring architect of a political party may need first to study existing political parties and where they stand among these trends. Now, instead of forming a new political party, does it not make more sense if such an aspiring architect were simply to throw his/her weight of ideas, if anything to move society forward in progress, to one of the existing political parties?

These trends are likely to be sustained in Africa, with some kind of a perennial character. Why? Simply because, innovation in rural areas give rise to urban areas. Inherently, urban areas tend to reach their full potential at some point, beyond which they begin to decline in vitality and deteriorate. This dynamic may then cause a trend of urban migration-to-rural zone. It is almost cyclical, as, in the march of time, the same rural zone would help in renewing life in urban areas. When one translates this dynamic into political party formation, it may be difficult to fail to conclude that Africa will ever see political parties emerging, merging, phasing out, and regenerating within three mainstreams ossified along urbanized politics, rural zone politics and rural-urban borderline politics.

**c) Crafting durable constitutions that out-live inter-generational power incumbents**

A constitution is never intended to be an untouchable guide for politics and public life. Any of the constitutions in the world has come from long living traditions and durable customary practice, based on aspirations of the constituents of any given community. However, for Africa and some parts of the world that fell under colonial rule, constitutional development has followed a rugged path. It took India several decades, after achieving independence in 1947, to reach constitutional maturity and stability. It has taken much longer and is taking much longer for African countries to attain constitutional stability. Africa has seen constitutions written to protect colonial and minority interests during the colonial period; then severally amended to accommodate the interests of the African (black) majority following independence; then also amended to entrench exclusive political groups and interests in some cases. Most of these constitutional arrangements have faced challenges from people, as those people felt lack of ownership of the constitutions. This constitutional trajectory is still active across Africa – in extreme cases, it is manifested by unconstitutional changes of government, coups, rebellions, popular uprisings and revolutions. Hence, there is need for Africa to take serious concrete steps to dismantle uncertainties in some of the constitutional arrangements on the continent.

To talk about the need to craft lasting maiden constitutions is not an issue of term limits for power incumbents. For quite some time, Africa has not been ready to put in place effective and inviolable term limits. But due to the specters of political unpredictability and predatory political parties still reigning in the continent, the issue of necessity of term limits, to be agreed by Africa, for its own internal politics and order, may henceforth be lumped together with the idea of crafting lasting constitutions as one of the steps to achieve a peaceful, developed and prosperous Africa. Inevitably, protracted political incumbency (series of extensions of terms in high state office) loses its attractiveness, once it comes out that a person's extended term in office has not/is not producing the means of satisfying the basic needs of the population in its full profile (the youth, adults, women, the aged, etc.) – this is the challenge that Africa has been facing, that is, lack of socio-economic national advancement as a single person continues in power in a given country, whilst in another country, where power has been periodically transferred, over a comparable period, from one person to another, through credible election, growth and development are seen to have taken place. This is where anger would be triggered against protracted power incumbents. But anger is not the real solution – the solution resides in people agreeing to put in place a constitution that, because it draws its essence, including openings for future publicly desired adaptability, from all vital elements of the totality of a dynamic cultural, socio-political, economic and environmental climate, lasts across generations and reduces the appetite of any of such generations to amend for just a mere change of style or mere sake of amending. With such type of a constitution, Africa would not have a headache about whether or not we need term limits. Rather, the enabling character of a lasting constitution will ever render momentum for continuous renewal of political genius, as the locomotive

and mother of progress in any country. When the space for renewal of political genius is wide and greater, there is opportunity that this type of genius would intermarry with other varieties of genius, too far beyond the confines that one person may be tempted to impose, thereby bringing the best of blessings to a country.

Fundamentally, a good constitution, as opposed to a bad one (suited to a specific time-bound ruling person or group), is one that spans long across generations, but doing so with little susceptibility or none, to cause clamor for constitutional revisions. Such constitutions require balanced and telescopic crafting. Any constitution making process is a process of managing and settling conflict. It is also a system of managing the totality of relations of a society. Constitutions are meant to protect individuals or groups of them, and the public at large: protect individuals against the undue pressure and manipulation of power incumbents or the public (opinion of the overwhelming majority, which may be emotional, or is not necessarily the best way to move forward for a country). There are things that individuals own naturally and cannot be taken away from them, such as, freedom, effects of own physical and mental labor, etc. Equally, there are certain basics that the individual cannot take away from the public, such as order, peace, security, law abiding, etc. Similarly, governments are bound to do only that which individuals and the public have agreed that it does. To go beyond those limits would be to act ultra-vires to the individual will and the collectivity of public wills. This creates the risk of triggering rebellion or revolution as part of society's self-adjustment to outgoing old circumstances and newly emerging ones. Making durable constitutions may draw much from the following elements:

- Clear understanding of the current constitution.
- Clear understanding of the deficiencies of the current constitutional dispensation.
- Accurate interpretation of the socio-cultural setting, political climate and the ongoing dynamics of change.
- An approach of neutrality and objectivity by the crafter/drafter.
- Avoidance of entrenching sectional interests, or those of power incumbents.
- Avoidance of manipulation by the rich or the poor.
- Mind equipped with hindsight, current wisdom and long foresight.
- Comparative approach.
- Genuine consultative refereeing across the profile of the population.

**d) The specter of re-division of a country into two or several new countries: exception or precedent?**

There is considerable literature on inter-state economic, and also, political integration. Inversely, there is a paucity of literature when it comes to disintegration of inter-state integration projects and of states. The East Africa Community was established in 1953 and it disintegrated in 1963. The Union of Soviet Socialist Republics was established in the 1920s and plunged into disintegration in 1989. Czechoslovakia disintegrated in late 1992. Many observers in African and beyond have posed many questions about the

2011 re-division of Sudan into two new countries or states, namely, the Republic of South Sudan and the Republic of Sudan. The main questions posed are the following:

- Is the breakdown of Sudan into two new states just an exception or a precedent in Africa's post-independence era?
- Of the two new countries, is one going to be an African country (South Sudan) and the other, an Arab country, or an afro-Arab country (Sudan)?
- Is each of the two new states going to be viable from an economic point of view?
- Can Africa build good practice from this case to manage better possible separations of a state into two or more states on the continent in future?

Other questions could be added to this list, but those raised above remain the most important for Africa.

It is as difficult as it is simple to explain the re-division of Sudan into two countries. It is difficult because once a country is established, there is an assumption of its longevity. The establishment of a country is often a result of likeminded communities agreeing to enter into a co-existence in a common country. Traditional, customary, social, moral, psychological, economic and political factors are usually the elements that enter into play together to persuade separate communities to establish a common country for themselves. This act of coming together into a common territory automatically clothes the country with its key attributes, such as population, government, constitution, sovereignty, organized monopoly of the use of force and a common administration of the public affairs. In other words, cohesion, adherence, unity and indivisibility become the essence of that one country which some communities have agreed to establish, maintain and live in together.

Thus, those in old Sudan (1955-2011) who believed in the above-stated characteristics of a country could have faced the advent of the re-division of the country on 9 July 2011, as a difficult situation. They wondered as to what had happened to the socio-cultural and political glue of the country.

But now, the re-division of old Sudan did not come very long after the disintegration of the former Union of Soviet Socialist Republics (USSR) and former Yugoslavia, following the end of the Cold War in 1989/90. Paradoxically, when these two countries (USSR and Sudan) plunged into disintegration, the two Germanys (West Germany and East Germany) underwent re-integration, after five decades of an externally imposed separation. Hence, there are circumstances that compel a country to disintegrate into two or more countries in a given situation. And there are also circumstances that drive two or more countries to unite or re-unite (if they once broke off from one another in the past).

Countries disintegrate due to various factors, and such factors vary from one case of disintegration to another. Of course, other types of factors explain why two or more countries chose to unite into one country. However, the uniting together of two or more countries does not necessarily generate the same problems as the disintegration of a

country. The disintegration of a country is often accompanied by fear and uncertainty. Fear comes as nobody would provide guaranty for the success and happiness of the new generation of countries that emerge from the disintegration process. Uncertainty comes because peoples going into the new countries have expectations of what such newly born countries have to provide for, but may not be in a position to underwrite that such expectations would be fulfilled. But there is always hope for a better life in the new country.

The disintegration of a country generates several problems, including the following main ones:

- Delimitation and demarcation of border(s) to give expression to the political separateness. In most cases, it is easier and faster to declare new countries as the effects of a bygone disintegration process. But to establish their common border in a non-contestable manner is usually difficult to achieve. Each of the new countries expects to get more land and other properties as well as heritage from the former country. None of them expects loss, yet all of them prefer a just border delimitation and demarcation, in cases where the likely border area coincides with a natural feature such as a river or a mountain, the issue may be easier to manage using the guidance provided by international principles and international law. Whereas mountains may quicken consensus building in border delimitation and demarcation owing to the rough terrain that they represent.

In the case of a river, international law provides that the borderline should be located in the middle of the riverbed. But the river bed may shift along time due to physical (natural) processes such as floods situation, and slides, erosion, variations in land surface levels, etc. Such physical processes may lead to both a riverbed and its middle line shifting. This causes different problems from the problems related to border delimitation and demarcation. The common element for both sets of problems is that inter-country tension occurs in either situation. In some cases, such tension can aggravate into war, as was the case between Ethiopia and Eritrea in 1998 to 2000, due to failure to reach consensus on the exact location of their common border. In contrast, Cameroon and Nigeria took peaceful approaches towards resolving their border dispute over the Bakasi Peninsula. This was a good show of leadership and restraint by the Nigerians and the Cameroonians, as well as the United Nations, which played a mediatory role. It was also a demonstration of respect for the rule of law and international legal opinion and practices.

The success of border delimitation and demarcation depends on goodwill, compromise, give-and-take approach and spirit of good neighbourliness between the countries engaged in such processes. If the approach followed remains deficient in these attributes, the incidence of conflict is often the result.

e) For centuries, particularly since the 11<sup>th</sup> century, Africa has been the target and terrain of ferocious contests for resources and markets among foreigners. The trans-Atlantic Slave Trade and 19<sup>th</sup> century colonization of Africa constituted the height of

those contests. In his book 'How Europe Underdeveloped Africa', Walter Rodney provided a masterpiece on the impact, both then and for the later times, of colonialism in Africa. Some writers have argued that colonialism brought positive change in Africa, while others argue to the contrary. But what is self-evident is that both slavery and colonization, at their times of occurrence, and through their respective legacies, deprived Africa of its opportunity to shape its destiny from within itself. Fundamentally, the two destroyed Africa's capacity for timely cross-generational fundamental human development – the population got so distracted and weakened through carrying the heavy burden of foreign cultures and mentalities of all sorts, which then required a longitudinal occupation of having to achieve psychological and intellectual emancipation of both Africa and the lands of origin of foreigners involved in the contest for Africa's souls, resources and markets. Earlier contests for Africa have, today, been replaced by contests between North America and China over the continent – because, these two actors have gotten the know-how and capabilities to lead that contest. Europe, India and Brazil are trailing behind in this race for Africa. One American diplomat once said in 2013 that<sup>17</sup> "China was looking for resources and markets in Africa and was the new colonial power". In the same vein, one Chinese diplomat has once said in 2016 that China had made huge investments and provided big loans, with long-term repayments timespans, to many African countries, and would like to see those investments protected and the loans repaid. In the East African Community countries belt alone, China has up USD\$ 6,5 billion dollars worth of investment and loans into infrastructure and projects in other sectors. These funds belong to Chinese banks and private investors. Now, there is growing concern and pressure back home in China that Chinese investments are "located in unstable regions and in countries that are in conflict or are threatened by future conflict"<sup>18</sup>. Africans have to look at this issue seriously. The same diplomat also stated that China is committed to support Africa's development, as it believes that it is development in Africa, more than anything else, that will bring durable peace and security and then, sustained peace would create momentum for further development on the continent<sup>19</sup>.

#### **f) Putting natural and human resources to progressive and sustainable use**

Inversely, Africa has recently emerged to start reversing this order of things, whereby foreigners dictate their political and economic tastes to the continent. Africa has started seriously looking both inwards to itself, and engaging all sorts of partners, from the UN, as well as traditional partners and new partners such as China and India. Africa has also started defining its own needs and the terms on which those needs should be responded to. Agro-business, engineering, energy production, industrialization and infrastructure construction are fast becoming the center-pieces of Africa's integrated domestic and foreign policy - if one can use these words to refer to various common sectorial policies that the AU has put together. The oneness of Africa is shaping itself out in the sense that the continent is seeking to seize opportunity of its vast natural and human resources, as well as its huge emerging markets, to uplift every African out of poverty and protect same against devastation by whatever cause. The wellbeing, security and stability of one African, mathematically speaking, are becoming the yardstick of the wellbeing, security and stability of Africa as a whole. This is a necessary revolution in the way

Africa thinks and does business with itself and with the world. Thus, our process of crafting decisions and adopting them, within African inter-state organs on peace and security, should derive its essence and energy from this trend.

Finally, those in Africa, and who love it, and who have the shared conviction and aspiration, as well as common vision, have every reason to believe and work harder, to enable the continent to turn the tides and climates of the 21<sup>st</sup> century to its own superior advantage, use and progress.

## **End Notes:**

1. Refers to the notion of the African Union being master of events and changes in Africa;
2. See Franz Fanon, *Wretched of the Earth*, 1967;
3. Refers to deficit and violation of peace – see Admore M. Kambudzi (1998);
4. Refers to the aspiration of the African Union and its Member States for less or no violent conflict in Africa;
5. See coordinated strategic military and operational efforts of the major powers that led the fight against NAZI Germany, which they defeated in 1945;
6. See Organization of African Unity, decision AHG Dec.160(XXXVII), OAU, July 2001;
7. See Organization of African Unity, decision AHG Dec.160(XXXVII), OAU, July 2001;
9. See the African Union Common Defence and Security Policy, February 2004;
10. Refers to the massive financial and technical aid provided by the United States of America to backstop post-war economic recovery in Western Europe, and the same aid was implemented to counter the spread of communism from the Eastern Europe to other parts of Europe;
11. See *The Economist*, March 2000;
12. See for example, Joseph Hanlon, *The Re-colonization of Africa*, 2003;
13. See *The Economist*, April 2003;
14. See Thabo Mbeki's statement to the World Economic Forum, Durban, 2003;
15. Refers to scholarly definitions of the concept of conflict prevention;
16. Refers to the ideas and political activism generated by African of the Diaspora, especially in the Caribbean, in response to the effects of slavery and in search of restoration of African dignity and freedom. Marcus Garvey and WEB Dubois are the grand ancestors of Pan-Africanism. African thinkers like Kwame Nkruma acted as intellectual vehicles to bring pan-Africanism to Africa where it then took deeper roots after World War II, influencing the debate and efforts that culminated in the establishment of the Organization of African Unity in May 1963;
17. Hillary Clinton, former USA Secretary of State, in a speech in Berlin, 2013;
18. Observation of a Chinese diplomat in February 2016, during consultations in Addis Ababa on peace, security and Chinese investments in Africa.

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