

African Policy Circle

Ten Years On: The African Union Peacebuilding Framework & the Role of Civil Society

Position Paper

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About the African Policy Circle

This publication is a joint output of the African Policy Circle, a group of civil society organizations and think tanks from Africa whose goal is to strengthen Sub-Saharan voices in global, continental, regional, and national development debates as well as to promote good governance through critical reflection and innovative ideas. The African Policy Circle is supported by the Konrad-Adenauer-Stiftung and the Global Public Policy Institute (GPPi).



Introduction

Since its inception in 2001, the African Union (AU) has steadily expanded its normative frameworks and political missions across the continent. Unlike the Organisation of African Unity's (OAU) interventions, which were substantially impeded by its principle of non-interference, the AU has adopted a non-indifference principle and has also opened itself up to greater engagement with a diverse range of actors: from multilateral agencies and international financial institutions to the private sector and, most critically, civil society organizations.

This transformation marked a shift from a largely state-centric model to one of human security, underpinned by a decentralization agenda that aims to protect citizens from the grotesque excesses of states' (in)actions which violate their rights. A key example of this transformation is illustrated by the African Peace and Security Architecture (APSA), which provides the AU with an important tool for overseeing and supporting states in their peace consolidation efforts through extended political engagement and military ground presence.

This paper traces these developments and provides suggestions on how to further strengthen AU peacebuilding approaches and the engagement of civil society organizations. The first section assesses the institutional and normative underpinnings of the AU peacebuilding framework and its refinement over time. Section two highlights various channels that civil society organizations (CSOs) can leverage in order to support or engage with the work of the AU's Post-Conflict Reconstruction and Development (PCRD) framework as well as their shortcomings. The final section presents ideas for how the AU and CSOs can strengthen their collaboration in the area of peacebuilding.

The AU Peacebuilding Approach: Institutional and Normative Foundations

The Constitutive Act of the African Union, the normative and institutional foundation of the AU's peacebuilding approach, was adopted in 2000 in Lomé, Togo. By virtue of the Constitutive Act, the AU vowed, *inter alia*, to 'promote peace, security and stability on the continent'¹ and to 'accelerate the political and socio-economic integration of the continent.'² To achieve these objectives, the Constitutive Act lays down governance principles and promotes the respect for human rights and peaceful coexistence on the continent. Most crucially, the member states gave the AU the legal authority to "intervene in a member state pursuant to a decision from of the AU Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity."³

1 African Union, *The Constitutive Act of the African Union*, 2000, Article 3(f).

2 Ibid. Article 3(c).

3 Ibid. Article 4(h).

This new commitment to the principle of non-indifference is in sharp contrast to the OAU's principle of non-interference since it does not require state consent for intervention. It creates a legal basis on which the AU can intervene to prevent or stop the perpetration of grave crimes anywhere on the continent and establishes conflict prevention as a cornerstone of the AU's peacebuilding approach. Normatively, it counters the preponderance of the OAU's state-centric approach which, under the justification of respecting state sovereignty, made African conflict management more responsive than proactive.

Complementing the Constitutive Act, the AU early on established the necessary institutions to follow up on its non-indifference policy: it created a Protocol of the Establishment of the Peace and Security Council of the African Union (PSC Protocol), a Common African Defense and Security Policy (CADSP), and also established the African Peace and Security Architecture (APSA). The APSA puts into place a regulatory framework to manage conflicts and provides guidance as to when and how the AU can intervene in its member countries. It also offers an institutional blueprint which anchors additional entities such as the AU Peace and Security Council (PSC), the Panel of the Wise, the Continental Early Warning System (CEWS), the African Standby Force (ASF), and the AU Peace Fund.

Despite this elaborate institutional setup, the AU's lack of adequate logistical and financial resources impairs its ability to fully confront African challenges without external support. Further, it has been criticized for its lack of engagement in African conflicts. Two examples of such criticism are the AU's paralysis in the face of Western intervention in Libya in 2011 and, in January 2016, the 26th AU Summit's suspension of the PSC's decision to deploy the African Prevention and Protection Mission in Burundi (MAPROBU) under Article 4(h).⁴ Some see this as evidence of complicity and collusion with states that stand in opposition to democratic gains on the continent. Furthermore, the Summit decision to withdraw from the International Criminal Court is seen by many as running contrary to the respect for the rule of law, undermining one of the key pillars of peacebuilding.⁵ This level of criticism and scrutiny of the AU demonstrates the considerable continental and international expectations that have been resting on it since its establishment. These expectations were driven in part by the AU's own contribution to norm formation as well as its positive engagements in Burundi in early 2000.

4 T. Murithi, "The African Union's evolving role in peace operations: the African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia," *African Security Review* 17, no. 1 (2010).

5 Elise Keppler, "AU's 'ICC Withdrawal Strategy' Less than Meets the Eye: Opposition to Withdrawal by States," *Human Rights Watch*, February 1, 2017, accessed November 13, 2017, <https://www.hrw.org/news/2017/02/01/aus-icc-withdrawal-strategy-less-meets-eye>.

AU Peacebuilding Efforts and Engagement with Civil Society

The protocol establishing the PSC and its associated rules of procedure envisage a greater role for African civil society organizations in the area of peace and security. Some of the most visible examples of AU-CSO collaboration have been in the area of conflict early warning. Article 12(3) of the PSC Protocol states that the Commission “shall collaborate with the United Nations, its agencies, other relevant international organizations, research centres, academic institutions and NGOs, to facilitate the effective functioning of the Early Warning System.” In collaboration with Regional Economic Communities (RECs) such as the Intergovernmental Authority on Development (IGAD), the AU early warning system has benefitted from the contributions of conflict early warning and response units based in member states, many of which comprise, and rely on, data gathered by CSOs. Another notable example is the active role of African CSOs in grassroots peacebuilding. This includes the involvement of the Economic Community of West African States (ECOWAS) Civil Society Forum in ECOWAS missions in the sub-region in Cote d’Ivoire, Mali, and Burkina Faso, as well as its role in the development and operations of the regional early warning mechanism.

Existing AU-Civil Society Linkages

The AU’s commitment to working in partnership with civil society and other partners, including the media, has been demonstrated through a number of structures and institutions. Specifically, Article 20 of the respective protocol states that CSOs interested or working in a conflict setting may be invited to participate in discussions relating to that conflict. Five mechanisms and structures are particularly relevant to take into account in this regard:

- 1. The AU’s Economic, Social and Cultural Council (ECOSOCC)**, which was established in July 2004, has become a vehicle for building strong partnerships with governments as well as the primary space for civil society involvement and participation in the AU. The Statute of the ECOSOCC defines it as an advisory organ of the AU composed of different social and professional groups of its member states. ECOSOCC provides civil society with an opportunity to interact with organs of the AU, influence policy decisions, and shape Africa’s future alongside its leaders. The opening of space for CSOs to interact with and influence the work of the AU through ECOSOCC is a significant departure from the OAU’s top-down approach, which neither recognized the need, nor afforded a respective platform, for citizens to engage with the Union.
- 2. The Citizens and Diaspora Directorate (CIDO)** was established following the inaugural OAU Civil Society Conference in June 2001. In addition, the **Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA)**

began as an AU department tasked with mainstreaming civil society and diaspora participation in AU affairs. Adopted by the AU Assembly of Heads of State and Government in Lomé, Togo, in June 2000, the CSSDCA recognized the important role played by CSOs in the continent's efforts to promote security, stability, and development. The CSSDCA also created an internal CSO office charged with promoting collaboration between the AU and CSOs on peace, security, stability, good governance, and regional integration. CIDO's main task is to ensure effective participation of CSOs in the activities of the Union.⁶ It is charged with organizing the AU-Civil Society Forum, a two-day meeting that provides space for civil society to engage with and interrogate AU Summit themes as well as influence the course of deliberations by collectively advocating for specific causes prior to any Summit meetings. While CIDO captures the broader AU engagement with CSOs, CSSDCA focuses on engaging with CSOs that work on peacebuilding. These two platforms provide a clear example of the AU's commitment to engaging CSOs in order to further its mandate.

- 3. Regional Economic Communities (RECs)** are recognized under the APSA as pillars of AU peace and security engagements. RECs have recognised the value that civil society can bring to the delivery of their mandates and, accordingly, put mechanisms in place and created spaces for engagement with NGOs and civil society networks. These mechanisms extend to the involvement of CSOs in their peace and security programs and either take the form of pre-Summit forums, civil society standing assemblies, or parliaments. The most active ones can be found in the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), and the East African Community (EAC).⁷
- 4. The New Partnership for Africa's Development (NEPAD) Secretariat** established an Office of Gender and Civil Society Organizations in 2004 to serve as a focal point for collaboration requests by CSOs. It is tasked with designing and implementing NEPAD's civil society policies, mainstreaming civil society involvement, and sharing best practices. In 2005, the NEPAD CSO Think Tank was launched as an ad hoc mechanism intended to prepare CSOs for participation in the NEPAD process, including through peer review. Another role is to build bridges between the NEPAD Secretariat, the AU Commission, the RECs, and CSOs both within and outside of the ECOSOCC.
- 5. The African Commission on Human and Peoples' Rights (ACHPR)** in its resolution 25 (1999) provides space for CSOs and NGOs as observers at commission sessions. In addition to these rights of access, accredited CSO and NGO observers

6 African Union, The Civil Society Division (CIDO), accessed November 13, 2017, <https://au.int/civil-society-division>.

7 Peter da Costa, *Civil Society Organisations and the African Union: Towards a Continental Advocacy Strategy for World Vision*. (Nairobi: World Vision Africa, 2007), last accessed November 13, 2017, http://www.sarpn.org/documents/d0002580/CSO-AU_Africa_Report_Apr2007.pdf.

are required to present an activity report to the commission every two years to “establish close relations of co-operation with the African Commission and to engage in consultations with it on all matters of common interest”⁸ on an ongoing basis. However, it is unclear how many organizations submit these reports and what concrete action the commission takes in response to them.

Shortcomings of AU-Civil Society Linkages

While the examples above demonstrate that the African Union provides space for civil society engagement in the area of peace and security, we claim that AU-CSO engagement remains largely uncoordinated and ad hoc. Shortcomings include:

- The absence of concrete linkages between continental CSO mechanisms and spaces to develop those at the sub-regional level. Currently, there is no strong link between CIDO and CSO mechanisms within RECs such as ECOWAS, the SADC, and the EAC (among others) that have established civil society forums in their regions or are supporting CSOs working on specific issues of mutual concern, for instance small arms and light weapons control;
- The lack of staff and resource capacity of CSOs, which undermines their efforts to contribute substantively towards the AU peace and security agenda;
- Poor coordination between AU organs responsible for CSO engagement and the CSOs themselves;
- The lack of concrete outputs in some of the engagements, for instance, conferences and workshops where resulting recommendations are never implemented;
- The lack of direct support from the AU to CSOs, which can be partially explained by the AU’s own struggles with resource scarcity;
- The shrinking space for CSOs in some African countries where a new wave of intolerance has led to increased crackdown on CSOs in Kenya, Burundi, DRC, South Sudan, Eritrea, and elsewhere on the continent.

8 See Chapter 111 (1) of: African Commission on Human and Peoples’ Rights, Resolution 33, *Resolution on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organizations Working in the Field of Human and Peoples’ Rights*, May 5, 1999, accessed November 13, 2017, <http://www.achpr.org/sessions/25th/resolutions/33/>.

Strengthening AU Peacebuilding Approaches: Suggestions for the Way Forward

The shortcomings highlighted in the previous section greatly impede the AU's efforts to improve the implementation of its peace and security agenda. Against this background, we propose a number of suggestions on the way forward for the AU's approach to peacebuilding in Africa and the potential role CSOs can play in this regard:

- 1. The AU should proactively engage CSOs with a view to finding innovative ways for strengthening coordination.** While the anchoring of CSO activities within RECs is welcome, and appears to be strong, the inability of CIDO and other AU organs to engage effectively with CSOs across the continent (beyond the one or two pre-Summit meetings organized annually) is a key challenge. One way of enhancing synergies between the AU and CSOs in this respect would be for the AU to create regional AU-CSO coordination offices in the same way the AU has created regional liaison offices with RECs. Such offices could be situated within the existing AU-REC liaison offices while maintaining CIDO as the overall coordinating organ at the continental level.
- 2. To strengthen the capacity of both the AU and CSOs to manage their approaches to peacebuilding, the AU could support select CSOs by enabling their participation in peacebuilding courses** offered by leading African peace training institutes such as the Kofi Annan Peace Institute in Ghana, the Cairo Peace Training Institute in Egypt, and the SADC Regional Peacekeeping Training Centre based in Harare, Zimbabwe. The AU is already partnering with training institutes such as the International Peace Support Training Centre (IPSTC) based in Nairobi, which has significantly enlarged the capacity of AU countries in peace support operations. Such efforts need to be further strengthened. The AU may also learn from Western think tanks such as the Geneva Centre for Security Policy, and build partnerships with such peace and security entities to provide spaces for African CSO capacity building.
- 3. The AU Commission should do more to link CSOs with funding opportunities,** especially from the Global North. This will enable CSOs to engage more effectively in supporting peacebuilding initiatives and other AU activities that are relevant to good governance and stability.
- 4. Lastly, there is a need to identify a framework for the regular monitoring and evaluation of AU-CSO engagement** in order to gauge the impact on CSO contribution to AU peacebuilding activities. This may be undertaken internally through existing AU monitoring and evaluation frameworks, for instance the APSA, or through external sourcing of consultants to undertake periodic monitoring, evaluation, and review tasks.

