

Preventing conflict

How to make the AU's policy work

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Despite being a clear priority for the African Union (AU), conflict prevention faces many challenges in terms of both its institutionalisation and political effectiveness. This report analyses the coherence of the AU's conflict prevention instruments in relation to the needs of Africa's various crises. It proposes options to enhance the AU's ability to prevent crises as the 2020 deadline for Silencing the Guns approaches.

Key findings

- ▶ The AU has established many instruments for conflict prevention, including the Continental Early Warning System and the Panel of the Wise.
- ▶ Although several conflict prevention instruments exist, the adequacy of some of these instruments for dealing with existing crises is limited.
- ▶ Entry points for conflict prevention are difficult to identify outside pre-electoral contexts.
- ▶ When it comes to election related crises, the AU lacks a formal instrument to follow up on the improvement of electoral systems.
- ▶ Conflict prevention efforts in the AU tend to be dealt with mostly by the AU Commission, with limited involvement from member states.
- ▶ Political will from AU member states remains at the heart of a successful conflict prevention policy.

Key recommendations

- ▶ Increase the involvement of AU Peace and Security Council member states in conflict prevention.
- ▶ Enhance the awareness of the Peace and Security Council about root causes of conflict. This can be done by institutionalising the council's engagement with the African Peer Review Mechanism, the African Commission for Human and Peoples' Rights and civil society organisations.
- ▶ Conflict prevention policy could be enhanced by creating operational linkages between the AU's various conflict prevention instruments such as the Continental Early Warning System, the Peace and Security Council and the Panel of the Wise.
- ▶ Enhance the ability of the Panel of the Wise to provide an independent voice on emerging crises by strengthening its secretariat and ensuring more systematic engagement with the Peace and Security Council.
- ▶ The AU should consider amending the Protocol Relating to the Establishment of the Peace and Security Council to include an article on conflict prevention which identifies basic guidelines.
- ▶ The Peace and Security Council should consider establishing a subcommittee on conflict prevention in charge of reviewing conflict prevention efforts by the AU. The subcommittee could be composed of five member states, each representing a region in Africa, along with liaison officers from the various Regional Economic Communities.
- ▶ The Peace and Security Council, assisted by the AU Chairperson, should consider establishing a framework for political dialogue between the AU and states that are facing emerging crises.

Introduction

'Prevent crises and conflicts before they erupt' has become the mantra of the international architecture of peace and security. The high costs not only of conflicts but also of peacekeeping missions have made it critical to establish mechanisms and instruments to prevent the eruption of violence everywhere in the world.

This concern has been especially prevalent in Africa, where crises and conflicts have resulted in high death tolls, the displacement of populations and the destruction of infrastructure. This perspective is reflected in various African Union (AU) legal instruments. For example, the second objective of the AU's Peace and Security Council (PSC) is to 'anticipate and prevent conflicts'.

However, translating this legal commitment into effective policy is a complex process. Two interconnected obstacles can be identified. The first is the delimitation of conflict prevention. Where does a conflict prevention policy start? When does it end? Because the parameters of conflict prevention have not been determined, the resultant ambiguity affects the coherence of activities and makes it hard to assess their impact.

Many states invoke the principles of sovereignty to avoid scrutiny of the potential causes of crises

In the context of the AU, one can say that conflict prevention may encompass all the competencies of the organisation, since the AU's various components all contribute to the development and stability that mitigate crises and prevent conflicts. Assessing the effectiveness and ultimately the impact of such a broad definition of conflict prevention is challenging.

A realistic definition might be that conflict prevention is the short-term deployment of instruments and mechanisms to avoid the outbreak of crises and conflicts. While this definition is operational and facilitates assessment, it has limitations. Responding to structural challenges with short-term instruments has limited impact on the dynamics of the crises and conflicts. It hardly addresses the root causes of instability.

The concept of structural conflict prevention has been devised to remedy this. It aims to ensure that conflict prevention initiatives not only respond to short-term challenges but also address root causes, thereby helping to establish sustainable conditions for peace.

Because conflict prevention is aimed at addressing critical issues in the internal governance of states, it also faces a second obstacle: the unwillingness of state actors to accept recommendations or engagement by external actors, even if African. Many states invoke the principles of sovereignty to avoid international scrutiny of the potential causes of crises.

While the number of casualties generally legitimates an intervention during a conflict, paradoxically conflict prevention does not enjoy this kind of support when the country seems relatively peaceful and casualties are few.

This report will look at the AU's legal framework for conflict prevention. It will then examine the actual policy process of conflict prevention interventions; how the AU prevents election related crises; and will question the adequacy of conflict prevention instruments. In the conclusion, some policy options will be suggested which would enhance the effectiveness of AU conflict prevention policy.

PSC protocol: it takes a constellation

As a policy priority, conflict prevention as a theme features widely in the Protocol Relating to the Establishment of the PSC. However there is no specific article of the protocol dedicated to conflict prevention, defining it and outlining its modalities of action. Nonetheless, the theme is mainstreamed through the mandates of most of the architecture's pillars: the PSC itself, the Continental Early Warning System (CEWS), the Panel of the Wise (PoW) and the African Standby Force (ASF).

PSC and conflict prevention

In the Protocol Relating to the Establishment of the PSC, conflict prevention is broken down into the main features of the body:

- As an objective: 'Anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peacebuilding functions for the resolution of these conflicts.' (Article 3b)

- As a principle: ‘Early response to contain crisis situations so as to prevent them from developing into full-blown conflicts.’ (Article 4b)
- As a function: ‘Early warning and preventive diplomacy.’ (Article 4c)
- As a power: ‘Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity.’ (Article 7-1a).¹

Moreover, the PSC as a body is established as ‘a collective security and early warning arrangement to facilitate timely and efficient responses to conflict and crisis situations in Africa’.²

All these provisions of the protocol sum up the theory of change by defining the instruments/outputs (early warning; preventive diplomacy); the outcomes (timely responses to crises; anticipation) and the desired impact (collective security; avert conflicts from escalating thus contributing to enhanced collective security on the continent).

To sum it up, the theory of change of the AU policy on conflict prevention is that having information on upcoming crises would trigger actions by the AU to prevent conflicts from escalating.

Ambiguous autonomy of the AU Commission chairperson

The chairperson of the AU Commission, although not a pillar of the African Peace and Security Architecture (APSA), is given a pre-eminent role in the area of conflict prevention. Firstly, the protocol explicitly states that the PSC exerts its powers ‘in conjunction’ with the AU Commission chairperson.

Therefore the chairperson plays a supportive role in the PSC while at the same time exercising an autonomous capacity to act. On the one hand, the chairperson advises the PSC on conflict prevention, based on the information gathered by the CEWS. In this regard, he or she raises the PSC’s awareness of emerging conflicts. The chairperson can propose the inclusion of a situation on the agenda of the PSC, according to Article 8 of the protocol.

On the other hand, the chairperson can act on his or her own initiative to prevent emerging conflicts based on the information communicated by the CEWS. He or she can launch high-level consultations or appoint

a special envoy – an example being the appointment of Edem Kodjo as a facilitator in the Democratic Republic of the Congo by Nkosazana Dlamini Zuma when she was AU Commission chairperson. This appointment was not sanctioned by a PSC decision.

While the PSC and the chairperson of the AU Commission share a similar mandate and a similar margin of action, the difference lies in their respective features.

On the one hand, as the main decision-making body, the PSC has both authority and legitimacy to act; but its capacity to implement depends on the AU Commission, which is the executive secretariat of the AU, as well as on member states. On the other hand, the AU Commission chairperson retains autonomy mostly because the organisation hosts most of the instruments (the CEWS, PSC Secretariat and PoW).

The AU Commission chairperson has a pre-eminent role in the area of conflict prevention

However, the fact that the actual role of the AU Commission is to act as the secretariat in charge of implementing the guidelines defined by member states limits its ability to go far on its own. It needs the explicit approval of member states, either through the PSC, the Executive Council or the Assembly of the Union.

Therefore it could be said that the protocol established a balanced relationship between APSA’s two main actors, who depend on each other in order to be effective. Both the CEWS and PoW constitute instruments supporting the efforts of the PSC and the chairperson of the AU Commission. The CEWS and PoW respectively illustrate the outputs of early warning and preventive diplomacy.

Early warning as the trigger for conflict prevention

As the main instrument in charge of detecting early signs of conflicts and instability, the CEWS constitutes the base of conflict prevention architecture. Gathering the relevant information should help ‘anticipate and prevent’ conflicts. The CEWS has to support both the PSC and the chairperson in their respective roles.

Indeed, the chairperson ‘shall use the information gathered through the Early Warning System timeously

to advise the PSC on potential conflicts and threats to peace and security in Africa, and recommend the best course of action'.³ The chairperson can also act on his or her own, based on the function defined in Article 10 of the protocol.

More important, early warning is supposed to trigger early action by either the PSC or the chairperson. Therefore, member states 'shall commit' to facilitate this action.

Panel of the Wise as the main actor

The PoW is the main instrument of preventive diplomacy in support of efforts by the chairperson of the AU Commission and the PSC, according to Article 11 of the protocol. Contrary to the CEWS, the PoW is given an autonomous capacity for initiative but in support of both the PSC and the chairperson.

The PoW also has the ability to raise awareness 'on issues relating to the promotion and maintenance of peace, security and stability in Africa'.⁴ On paper, the PoW does not depend on the chairperson or the PSC to have an impact, as its members exercise a function of advocacy that makes them autonomous.

African Standby Force as the last measure

The ASF is potentially an instrument of this preventive approach. Article 13 of the PSC protocol lists as the functions of the ASF: 'preventive deployment in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighboring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement'.⁵

An overview of the legal framework of conflict prevention presents a balanced picture of the policy process. While the PSC is the central actor in conflict prevention, as in management, the protocol creates windows for action by both the AU Commission chairperson and the PoW. Rather than top-down structures, the architecture of conflict prevention is a constellation of actors who retain autonomy despite institutional and bureaucratic linkages.

Internal limitations facing AU conflict prevention policy

The common denominator of the various actors involved in conflict prevention is the AU Commission, which hosts the secretariats of the PSC, PoW, CEWS and military staff of the ASF. Therefore it can be assumed that

contrary to the configuration laid out by the protocol, the AU Commission – especially the commissioner of peace and security – plays a pre-eminent role in shaping efforts to prevent conflict because of its role as a secretariat. There is an apparent gap between the process sketched by the protocol and the actual policy process.

Several findings can be drawn about the AU's conflict prevention policy process:

- The CEWS detects signs of an emerging crisis and based on its assessment proposes both an overview and policy options.
- The AU Commission chairperson can either deploy a member of the PoW or appoint a special envoy in order to prevent the situation from deteriorating.
- If the situation does not calm down, the chairperson calls on the PSC.
- If there are risks of genocide, the ASF may be deployed to prevent it from happening. However the ASF can only be deployed after a decision by the PSC and the Assembly of the Union based on Article 4(h) of the Protocol Relating to the Establishment of the PSC.

The Panel of the Wise relies on the AU Peace and Security Department to fund its activities

But all these instruments may face some limitations. For example, contrary to the protocol, the autonomy of the PoW is limited by its reliance on the AU Commission's Peace and Security Department (PSD) for the funding of its activities. This bureaucratic link has reduced the autonomy of the PoW. Therefore the panel has been increasingly less involved in conflict prevention – a role overtaken by the AU Commission chairperson and the commissioner of peace and security.

The CEWS faces limitations because of its limited staff and the fact that it does not have a presence on the ground. It thus relies mostly on open sources, and less on field research. In its original conception, CEWS sensors were supposed to be regional early warning mechanisms. However, the relationships are uneven and depend on the Regional Economic Communities (RECs) and the advancement of their respective systems.

Moreover, the framework of the relationship between the CEWS and the Committee of Intelligence and Security Services of Africa (CISSA)⁶ is still not clearly defined. There is a traditional reluctance of intelligence services to share information with an open mechanism. It still needs to be worked out how the different mandates of the CEWS (human security) and national intelligence services (regime/state security)⁷ can be reconciled in the architecture of peace and security.

Regarding the deployment of an ASF, the attempt to deploy a force to Burundi in 2015 and 2016 revealed several policy challenges: firstly the need to obtain the consent of the concerned member state; secondly the decision-making process that requires the unanimous approval of the Assembly of the Union in a consensus based organisation; thirdly the need for a resolution from the UN Security Council, as such a mission would fall under Chapter VII of the UN Charter related to peace enforcement.

Are African conflicts receptive to the AU's current conflict prevention instruments?

The common denominator of these scenarios is the trigger role played by the CEWS in the protocol. This critical role is based on the assumption that detection based on credible information is an essential element in anticipating and preventing conflicts. The CEWS covers countries that are not on the agenda of the crisis management division. Also, the CEWS monitors developments in countries in post-conflict situations.

The reports by the CEWS include elements on current dynamics, structural issues, scenario development and response options.⁸ Following its drafting, a CEWS report is sent to the unit head; then to the head of the Conflict Prevention and Early Warning Division and then to the commissioner. The process is sometimes shortened when reports go directly to the division head and the commissioner.

Very few reports are systematically transmitted to the PSC. Since 2014, the AU Commission has filled this gap by delivering semestrial briefings to the PSC, one on elections and another on horizon scanning.

The briefing on elections that takes place in principle every trimester is delivered by the commissioner of political affairs and focuses on countries that have held elections in the previous cycle and those having elections in the current one. The session on horizon scanning that takes place every six months is delivered by the PSD. It focuses on thematic issues (terrorism, climate change, border disputes, election related disputes) and does not generally address explicitly looming crises.

The above analysis of the AU's legal and policy framework for conflict prevention suggests that:

- While the PSC is the main actor in conflict prevention, it is not necessarily the end user of CEWS outputs.
- Member states have reservations about preventively addressing crisis situations despite the willingness to do so from the AU Commission. An effective relationship between the CEWS and PSC is still to be built.
- Election monitoring is the only window through which member states are amenable to horizon scanning or early warning on country situations. But election monitoring is in the Department of Political Affairs' (DPA) portfolio. In that way, this department plays a more consistent role in conflict prevention than mentioned in the protocol.

In order to test these findings, two case studies were conducted. The first looked at the adequacy of the AU's various conflict prevention instruments. The second focused on election observation missions as a means to prevent election related crises.

Case study: Assessing the adequacy of AU conflict prevention instruments

How can a conflict be prevented? There are many factors that can lead to countries slipping from latent conflict into full-blown conflict. External interventions that can help stop situations from unravelling require not only identifying the drivers of this decline into violence, but also the ability and willingness to address them.

For any outside actor such as the AU, such a task is challenging as not all the stakeholders may be open to such an intervention. In many parts of Africa, sitting governments who tend to defend their sovereignty by exerting violence are unlikely to be open to such externally driven dialogue. It might also not be easy to convince

rebels to renounce violence in the face of governments that criminalise their grievances. Often neighbouring states that pursue foreign political interests support such rebellions.

In this context, conflict prevention is challenging since it requires the deployment of a multi-layered approach by organisations with limited political authority and limited funds to act. In this report, a horizontal analysis is used to analyse the instruments and frameworks, and to identify gaps in coordination and coherence between them.

However, an additional approach is a bottom-up analysis of conflict prevention instruments. This means analysing conflict prevention from the space where its instruments are supposed to be deployed. The question is: Are African conflicts receptive to the AU's current conflict prevention instruments? What should be done to make these instruments adequate to address and prevent emerging conflicts and crises?

Table 1: Theory of change of APSA actors in conflict prevention

Instrument	Output	Outcome	Impact
Continental Early Warning System	Reports	<ul style="list-style-type: none"> The chairperson calls on the PSC The chairperson deploys a special envoy 	The situation is addressed and calm returns
Panel of the Wise	Intervenes/raises awareness/mediates	Dialogue among the parties	The situation returns to calm
AU Commission Chairperson	Communiqué/appoints a special envoy	Dialogue among the parties	The situation returns to calm
Peace and Security Council	<ul style="list-style-type: none"> Statement calling for dialogue Calls for the appointment of a special envoy even if not proposed by the commission Authorises the deployment of an ASF regional brigade on the basis of Article 4(h) 	Dialogue among the parties	The situation returns to calm
African Standby Force	Intervenes in respect of grave circumstances: war crimes, genocide and crimes against humanity in accordance with Article 4(h)	A genocide is halted; war crimes and crimes against humanity stop	The situation returns to calm

The theory of change behind various instruments (the PoW, the AU Commission chairperson and the PSC) is based on the premise that the parties in the country in question are open to dialogue to prevent crises. It will later be seen that this is not necessarily the case. The immediate question should rather be: What leverage do the various AU actors have and what incentives they can employ to push parties to stop their actions and commit to dialogue?

Looking at the Protocol Relating to the Establishment of the PSC, there is no precise legal framework for taking action, such as sanctions. This word appears only once in the protocol and is limited to the specific situation of unconstitutional change of government. Indeed, one of the powers of the PSC is to ‘institute sanctions whenever an unconstitutional change of government takes place in a member state, as provided for in the Lomé Declaration’.

Article 9 of the PSC protocol provides a very broad framework that stresses that ‘the PSC shall take initiatives and action that it deems appropriate with regard to situations of potential conflict’. It does not specify the type of action that can be considered by the PSC to prevent a conflict.

What leverage does the AU have and what incentives can it use to push parties in a conflict to commit to dialogue?

The Constitutive Act of the AU provides another relevant framework with Article 23(2): ‘Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.’ Like the PSC’s Article 9, this provision is also very broad but it might include actions related to conflict prevention.

In addition, the use of sanctions – aside from in situations where an unconstitutional change of government has taken place – has been more than limited in the context of conflict prevention.

Firstly, there is a reluctance within the AU Commission to push for sanctions and among PSC member states to adopt them against fellow member states. The AU Commission’s reluctance can be explained by the fear of losing access to the government, since the effectiveness of both legal and political frameworks for preventive action depend largely on the willingness of sitting governments.

Secondly, sanctions are often perceived as a ‘Western’ tool. In this regard, the AU not using sanctions is seen as an African solution that emphasises dialogue over negative measures, especially when it targets sitting governments.



AU COMMISSION IS
RELUCTANT TO USE
SANCTIONS FOR
CONFLICT PREVENTION

Thirdly, the effective application of sanctions requires the full agreement of PSC member states, especially those neighbouring the country in conflict. The lack of consensus around sanctions in the case of conflict prevention makes it unlikely that the PSC would adopt such a measure. Therefore the effectiveness of conflict prevention initiatives depends on the willingness of the parties to engage in dialogue as opposed to resorting to violence.

Sanctions are often perceived as a 'Western' tool that discourages dialogue with sitting governments

But are these instruments and mechanisms adequate for the various situations the continent faces? To answer this question, a sample of crises on the continent was selected to assess the adequacy of the AU's instruments for conflict prevention. The assessment is in two parts: first a brief overview of the causes of selected crises and the AU's initiatives to prevent them; and second a discussion of the lessons from these cases.

Burundi

The crisis in Burundi erupted in early 2015 because of President Pierre Nkurunziza's desire to contest for a new mandate. His supporters consider it as only his second term while the opposition claim it is a third term – thus violating the constitution that includes a two-term limit.

There was a divergence around the interpretation of the constitutional provision regarding presidential term limits. But the root cause of the crisis was the crumbling of consensus especially within the ruling party, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD), about the 2000 Arusha Agreement that ended the civil war. The AU engaged in the following actions:

- The CEWS released many reports on developments on the ground.
- The PoW failed to mediate between a determined government and an opposition unwilling to compromise.
- The PSC was limited because of the nature of the root cause (a legal dispute) which had political implications. In a context where the executive branch exerts tight control over the judiciary, relying on the latter is ineffective.

- Both the commissioner of political affairs and the AU Commission chairperson tried to convince the government to postpone the election. The AU held the view that the election would trigger a crisis, but the government was not sensitive to this argument and decided to hold the poll. Eventually, the AU Commission decided not to deploy an electoral observation mission.⁹

Mali

The root causes of the conflict in Mali are the Tuareg irredentism and the poor delivery of government services in the northern regions since independence. The trigger of the current conflict was the North Atlantic Treaty Organisation (NATO) intervention in Libya in 2011, and the ensuing offensive of Tuareg movements allied with extremist groups in northern Mali. In the Malian case, the use of conflict prevention instruments was rather challenging as seen below:

- Had the PoW been deployed, it would have faced a government that had taken a very strong stance against the Tuareg and extremist groups that it accused of pushing for secession. The AU's stance on the intangibility of borders would have limited its role as an impartial broker for some armed groups which call for secession.
- The PSC could only advocate against any unconstitutional change of government or the use of violence to express political and social grievances.

Several lessons can be drawn from this discussion. Firstly, the crises mentioned above share two main features:

- A government firm in its interests or its principles.
- The use of violence/coercion as the main vector of confrontation among the parties.

Secondly, these characteristics shape the nature of the conflicts, notably through the perceptions of the warring parties. On the one hand, the sitting government may consider that any (armed) contestation of its authority is an attack on its *raison d'être*. It is then unwilling to consider any compromise on the root cause of the conflict. On the other hand, the opposition may consider that only violence is an effective instrument or incentive for the government to consider its grievances.

Therefore the instruments of conflict prevention are not necessarily adequate to address these crises. Indeed, the governance of security in most states is based on a reactive and coercive approach that does not see the risk of conflict as a reason to look for the root cause and cure it, but as a threat to regime security that must be eliminated.

In this regard, the AU struggles to influence these states because most of its members share a similar perception about any challenge to state or presidential authority. Therefore preventing conflict is an almost impossible task for the AU. The AU may have instruments to prevent crises and conflicts from emerging or situations from deteriorating. But the heart of the matter remains the governance systems of African post-colonial states which in many cases may not be suitable for conflict prevention initiatives.

The AU Commission has neither the political capital nor resources to compel states to improve their election management systems

In such a context, the goal of the APSA should be to give the AU the necessary means to be effective when local conditions are conducive for conflict prevention efforts. The AU can also benefit from depoliticising and demilitarising conflict early warning and prevention by recalibrating it to address broader crises. These crises also threaten human and state security in Africa, for example pandemics, transnational organised crime, terrorist extremism and environmental challenges.

Case study: Challenge of preventing election related crises

Elections have been a recurrent trigger of crises and conflicts in Africa over the years. Burundi, Guinea, Kenya, the Democratic Republic of the Congo (DRC), Gabon and the Republic of the Congo are some of the most recent examples.

The significance of election related crises is clear in that the only horizon scanning session held by the PSC on situations is devoted to this very issue. And it is one of the few areas of structured collaboration between the PSD and the DPA.

While the initial purpose of electoral observation is not conflict prevention, the tense context in which it operates has led this instrument to serve this purpose. Election related conflict prevention is an interesting case study because it involves both the DPA and the PSD. In addition, conflict prevention in this case addresses both cyclical and structural issues.

The proceedings of the AU Electoral Observation Missions (AUEOM) are ruled by the Guidelines for AU Electoral Observation and Monitoring Missions and the African Charter on Democracy, Elections and Governance (ACDEG).

Typically, any electoral observation mission begins with a pre-electoral assessment that takes place at least six months before election day. The purpose of this pre-election assessment 'is to make a preliminary and



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impartial assessment of the countries' political, electoral and security context through the collection of factual information and documentation'.¹⁰

The team conducting this assessment may include a political analyst and a regional or country expert that may come from the PSD. CEWS analysts have been systematically included in pre-electoral assessment missions over the past two years. The pre-election assessment produces 'an advisory report that provides analysis of the political context of an election'.¹¹ In addition, the team also advises the AU Commission on the deployment or not of a mission and its nature.

There are four types of AUEOMs:

- Limited observers' missions, which consist of long-term observers, deployed two months before election day and two weeks after.
- Short-term observer missions, consisting of observers deployed 10 days before election day and three days after.
- Experts' missions/technical assessment missions comprising a team of experts deployed 10 days before election day and three days after. Contrary to the two aforementioned missions, the technical assessment mission does not release any public statements while in the country but issues an assessment of the elections to the AU Commission.¹²
- Long-term observation (LTO) missions that require that a number of observers be in the country up to three months before election day. The assessment of the LTOs includes 'the political environment ahead of the election; the impartiality of the electoral monitoring body (EMB); the legal and regulatory framework for elections; voter registration and voters' access to the registration process; registration of political parties; party finance regulations and access of parties to public resources; the nomination of candidates; voter awareness and sensitisation campaigns; the participation of women and under-represented social groups; the freedom of contesting political parties, alliances and candidates to campaign, assemble and air their views in public; access of political parties, alliances and candidates to public and private media; the voting and counting process; the compilation, tabulation and transmission of results; the complaints and appeal process; and the announcement of the final results'.¹³

After the election, the AUEOM releases a final report that is usually shared with the member state concerned and is generally published on the AU website. This report 'gives full details of their activities, findings and assessments'.¹⁴

As such, the pre-electoral assessment preceding the deployment of an EOM provides a picture of the political context surrounding the election that can help for both structural and direct prevention of violence. However, one could ask if a process that begins only three months before the election would suffice to cure the ills identified by the various assessments.

Following a pre-electoral assessment mission, the DPA may decide to launch a high-level political mission to address some of the flaws identified by its experts. This mission, which constitutes preventive diplomacy, is to be led by the commissioner of political affairs, if not the AU Commission chairperson, sometimes in collaboration with the UN and the relevant Regional Economic Community.

So far the AU has not developed an operational mechanism to engage member states after elections to assist with improving the electoral process. It is said within the AU Commission that such a mechanism would rely mainly on the consent of states. Only such consent and willingness can trigger assistance by the AU Commission to mediate in order to fix the flaws of states' electoral process.

Collecting information and identifying emerging crises doesn't necessarily translate into political action

There is a shared awareness within the AU Commission that it has neither the necessary political capital, nor the resources – both financial or in terms of personnel, to compel member states to improve their election-management system, and even less to avert election related violence.

The struggle to avert election related crises shows a general finding about AU conflict prevention policy: that collecting information and identifying emerging crises doesn't necessarily translate into equal political action. Because most AU policies are based on the consent of member states, and lack coercive instruments, early warning doesn't always mean early action.

Policy recommendations

In the current configuration, the AU lacks a formal framework for dialogue and decision making among member states in the area of conflict and crisis prevention. When informal consultations take place, the AU suffers from the fact that it can only send political officers who have limited legitimacy in the face of sovereign governments.

However, it is essential to recall that the PSC intends to be a 'collective security' mechanism, meaning that every crisis on the continent affects not only the country in which the crisis is taking place, but the whole continent.

The AU lacks a formal framework for dialogue and decision making among states to prevent conflicts and crises

Therefore conflict prevention should not be limited to the AU Commission but should involve more member states sitting on the PSC. Indeed 'anticipate and prevent conflicts' is the second objective of the PSC, stated in its protocol. 'Early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts' is the second principle guiding the activities of the PSC, also included in the protocol.

Four steps can be considered, each of which is outlined in detail below: enhance PSC awareness of the root causes of conflicts such as weak human rights, democracy and governance; include an article on conflict prevention in the Protocol Relating to the Establishment of the PSC; establish a subcommittee on conflict prevention; and create a framework (a political dialogue) within the PSC to address emerging crises.

Enhance PSC awareness of root causes of conflicts

As mentioned previously, the relationship between the CEWS and the PSC still needs to be built. Indeed, unwillingness and denialism by member states and fear of political retribution have constrained the ability of the CEWS to fully play its role. Thus it is critical that some measures are taken to fill this gap by increasing the interaction between the PSC and some independent bodies of the AU and other stakeholders. Three options should be considered in this regard:

- Enhance the ability of the Panel of the Wise to provide an independent voice on emerging crises and trends on the continent to the PSC. That means strengthening the capacity of its secretariat and the full implementation of the PSC decision adopted at its 665th meeting calling for quarterly briefings to the body.¹⁵
- Establish bi-annual meetings of the PSC in which the African Peer Review Mechanism and the African Commission on Human and Peoples' Rights would brief on current trends in their respective areas.



PSC PROTOCOL SHOULD
INCLUDE AN ARTICLE ON
CONFLICT PREVENTION

- Establish institutionalised horizon-scanning meetings involving civil society organisations on trends in peace and security on the continent. In these meetings, relevant non-governmental organisations would brief the PSC on peace and security in Africa. While the relationships between NGOs and AU member states have tended to sour over recent years, the establishment of such a meeting is critical not only to maintain communication but also to exchange perspectives on relevant issues.

Include an article on conflict prevention in the PSC protocol

Although conflict prevention is an overwhelming priority in the Protocol Relating to the Establishment of the PSC, there is no article defining its guidelines or its basic modes of functioning. The protocol must be amended in order to introduce such a provision.

The following addition could be considered for a new article on conflict prevention:

1. The AU shall have a preventive approach regarding conflicts and crises on the continent. This includes taking any necessary actions to prevent the emergence of conflicts and their resumption after peace agreements are signed.
2. The actions of the AU shall be based on the values enshrined in the Constitutive Act, the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections and Governance.
3. While sovereignty and non-interference in internal affairs remain critical principles of the African architectures for peace, security and governance, they shall not be invoked against efforts by the AU to prevent emerging crises and conflicts.
4. The chairperson of the AU Commission shall guarantee the establishment of an adequate framework to ensure coordination and synergy within the AU Commission and between the AU and regional mechanisms, to foster complementary and coherent efforts to prevent crises and conflicts.
5. The AU Commission shall conduct vulnerability assessments when it sees fit, in order to adequately inform the PSC on potential crises and conflicts. The commission shall propose adequate strategies of mitigation to the council for adoption and implementation. Member states shall be required to

promote and implement the measures proposed by the council.

Establish a subcommittee on conflict prevention

It is then logical to establish a subcommittee on conflict prevention within the PSC in order to steer its efforts in this area. In the current situation, the thematic committees are counter-terrorism, sanctions and post-conflict reconstruction and development.

Since preventing conflicts is a daily task of the PSC and the AU in general, it is logical to establish a subcommittee dedicated to this policy priority. The organisation combines both experienced knowledge and instruments (PoW; CEWS; special envoys). It is imperative that a body composed of sitting PSC member states oversees the articulation and coherence among these instruments.

The subcommittee on conflict prevention would be in charge of engaging states and their stakeholders where potential crises and conflicts could take place. The tasks of the subcommittee would (among others) be to:

- Monitor emerging crises and conflicts on the continent in close collaboration with the CEWS and other relevant bodies.
- Receive regular briefings from the CEWS and PoW.
- Design policy responses and instruments to prevent crises and conflicts.
- Liaise with regional mechanisms, the UN and other actors.
- Draft the mandate of the special envoys appointed by the AU Commission chairperson.
- Propose good offices in crisis situations (a high-level delegation of heads of state should be composed of those members of the subcommittee).
- Oversee AU prevention efforts.
- Liaise with civil society organisations involved in conflict prevention.
- Draft an annual report on conflict prevention efforts.

The committee should comprise five member states representing each region. Liaison officers of RECs should sit permanently on the committee without the right to vote. The Peace and Security Department and the

Department of Political Affairs would each provide a staff member to help the PSC secretariat manage the agenda of the committee.

Create political dialogue within the PSC on emerging crises

A political dialogue framework could be established comprising the following phases:

- In the context of the AU's Structural Conflict Prevention Framework, the relevant units of the commission would conduct vulnerability assessments and draft mitigation strategies.
- The commissioner would brief the subcommittee on potential crises and propose mitigation strategies for adoption.
- The subcommittee for conflict prevention would engage the state in question in order to push for reforms included in the mitigation strategies. The commitments made by the member states would be included in a letter of intent addressed to the PSC. The commission would monitor the implementation of these reforms and report to the subcommittee.
- The subcommittee could propose to the PSC the adoption of sanctions if the stakeholders maintained a course of action that contradicted the letter of intent.

The obstacles to the establishment of this new framework for conflict prevention are technical and political. From a technical perspective, the establishment of this committee would be up against similar obstacles as those faced by the other subsidiary bodies of the PSC: a lack of consensus on the terms of reference; a lack of funding for committee activities; and a lack of involvement by member states.

It is unrealistic to expect the AU to impose top-down conflict prevention solutions on its member states

From a political perspective, the main risk is that the subcommittee could be composed of member states wishing to limit its scope because its activities are perceived as contravening the principle of non-interference in internal affairs. However, not only would the creation of this framework illustrate the priority given to conflict prevention, but it would also clarify the responsibilities of various stakeholders.

So far there is a trend to attribute the failure of conflict prevention solely to the AU Commission. Putting member states in the driving seat could incentivise them to adopt the proper policies.

The current context provides a window of opportunity. Most of the AU's partners, including the UN, have stressed the critical importance of conflict prevention. As the costs of peace support operations have soared over recent years, there are increased calls to allocate more political capital and financial resources to conflict prevention. Within the PSC, the Master Roadmap of Practical Steps to Silence the Guns in Africa by 2020 has stressed the importance of a more preventive approach.



**AU MEMBER STATES
MUST DRIVE
CONFLICT PREVENTION**

Conclusion

It is often said that the AU is failing to prevent various conflicts in Africa. But this assertion needs to be reformulated. Setting benchmarks of success or failure in conflict prevention is a challenging task because of the variety of factors that shape the effectiveness of any effort in this regard.

There are situations where the AU has successfully deployed its various instruments of conflict prevention. But this operational efficiency has not always meant political effectiveness.

The effectiveness of most conflict prevention efforts depends on the openness of the member states and stakeholders concerned. Therefore expecting the AU to impose top-down solutions doesn't take into account the views of most member states which are opposed to this kind of approach.

The uneven effectiveness of the AU in conflict prevention mainly reflects the contradictions among its members on this issue. Under these circumstances, the priority should be to put in place sound structures and instruments that can be mobilised when a member state is willing to cooperate with the AU to avert a conflict on its territory.

The implementation of the Continental Structural Conflict Prevention Framework – adopted by the PSC in 2015¹⁶ – is an issue that was not addressed, as this report instead focused on direct prevention. Additional research is required on the AU's efforts in structural prevention, notably through an effective linkage between APSA and the African Governance Architecture and the AU Border Programme.

A current option that is considered within the AU comprises reinforcing national capacities in conflict prevention through domestic early warning systems or domestic peace bodies. This option is meant to respond to the limits of international responses in favour of local ownership. The coherence of these national bodies with the efforts from the AU and RECs is still to be formalised and implemented.

But these new developments should not derail the AU from its central goal: to ensure that all its member states share the same idea of security and are therefore willing to act preventively in this regard. Indeed, the current inadequacy of various instruments of conflict prevention

leads to the question of whether most AU member states are actually committed to preventing conflicts.

Rather it would seem that the discourse on conflict prevention – illustrated mainly by the Protocol Relating to the Establishment of the PSC – is difficult to translate into policy and practice.

Notes

- 1 African Union, Protocol Relating to the Establishment of the Peace and Security Council of the African Union, 2004.
- 2 Ibid.
- 3 Ibid.
- 4 Ibid.
- 5 Ibid.
- 6 CISSA was established in 2004 to 'assist the African Union and all its institutions to effectively address the seemingly intractable security challenges confronting Africa. It was also conceived as [a] mechanism of dialogue, study, analysis, consulting, concerting, and adopting common strategies towards common security challenges among Intelligence and Security Organisations of Africa'. See <https://cissaau.org/about-cissa/background/>. Consulted on 23 May 2018.
- 7 J Cilliers, Towards a Continental Early Warning System for Africa, ISS Paper 102, April 2005. 'By definition, early warning systems use open source material and generally aim to serve human security, not national or state interests. Ironically, it is this characteristic that makes early warning systems appealing to intergovernmental organisations such as the AU that would have great difficulty in accessing (or using) state intelligence from one member country vis-à-vis another member country.'
- 8 African Union, *The CEWS Handbook (7th Draft)*, 21 February 2008, p.11.
- 9 N Alusala and Y Bedzigui, The AU and the ICGLR in Burundi, *Central Africa Report*, Issue 9, p.3, <https://issafrica.s3.amazonaws.com/site/uploads/car9-1.pdf>.
- 10 African Union, *Election Observation Manual*, 2013, p.24.
- 11 Ibid.
- 12 Ibid, p.26.
- 13 Ibid, p.28.
- 14 Ibid, p.86.
- 15 Peace and Security Council, Communique of the 665th meeting of the PSC on the activities of the AU Panel of the Wise for the year 2016, 665th Meeting, 13 March 2017, www.peaceau.org/en/article/communique-of-665th-psc-meeting-on-the-activities-of-the-au-panel-of-the-wise-for-the-year-2016.
- 16 Peace and Security Council, Report of the Chairperson of the Commission on the Follow-Up to the Peace and Security Council Communiqué of 27 October 2014 on Structural Conflict Prevention, 29 April 2015, www.peaceau.org/uploads/psc-502-cews-rpt-29-4-2015.pdf; African Union, Continental Structural Conflict Prevention Framework brochure, March 2018, <http://www.peaceau.org/uploads/psc-502-cews-rpt-29-4-2015.pdf>.

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