



AU-NATO Collaboration: Implications and Prospects

Foreword by H.E. Dr. Mbuya Isaac G. Munlo,
Ambassador of the Republic of Malawi
to the African Union,
the Economic Commission of Africa,
and Ethiopia

Edited by
Brooke A. Smith-Windsor

NATO DEFENSE COLLEGE
and
INSTITUTE FOR SECURITY STUDIES

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NATO Defense College Cataloguing in Publication-Data:

“AU-NATO Collaboration: Implications and Prospects”

(NATO Defense College “NDC Forum Papers Series”)

Forum Paper edited by Brooke A. Smith-Windsor

Copy-editing: Mary Di Martino

ISBN: 978-88-96898-08-6

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Printed and bound by DEd'A srl

Viale dello Scalo San Lorenzo 55, 00185 Rome, Italy

www.dedaedizioni.com

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List of Acronyms

ACDSP	African Common Defence and Security Policy
ACH	Africa Clearing House
ACOTA	Africa Contingency Operations Training and Assistance
ACP	African, Caribbean, Pacific
ACRI	African Crisis Response Initiative
AFRICOM	United States Africa Command
AMIS	African Union Mission in Sudan
AMISOM	African Union Mission in Somalia
AOR	Area of Responsibility
APF	African Peace Facility
APSA	African Peace and Security Architecture
ASF	African Standby Force or African Stabilization Force
AU	African Union
AUC	African Union Commission
AUCIL	African Union Commission on International Law
AUPG	African Union Partners Group
BRICS	Brazil, Russia, India, China, South Africa
C2C	Commission-to-Commission (AU and EU)
CBRN	Chemical, Biological, Radiological and Nuclear
CEFCOM	Canadian Expeditionary Force Command
CENTCOM	United States Central Command
CEWS	Continental Early Warning System
CF	Canadian Armed Forces
CMF	Combined Maritime Force
COPS	European Union Peace and Security Committee (French Acronym)
CPX	Command Post Exercise
CSOs	Civil Society Organizations
CTF	Combined Task Force
DITF	Darfur Integrated Task Force
DPKO	Department of Peacekeeping Operations (UN)
DRC	Democratic Republic of the Congo
EADRCC	Euro-Atlantic Disaster Response Coordination Centre
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EU	European Union
EU NAVFOR	European Union Naval Force (Codename: Atalanta)
EUPOL	EU Police
G20	Group of 20
G8	Group of 8
G8++ACH	Group of 8 ++ Africa Clearing House
GCC	Gulf Cooperation Council
GGC	Gulf of Guinea Commission
GPOI	Global Peace Operations Initiative
HCFA	Humanitarian Ceasefire Agreement
HOA	Horn of Africa
ICC	International Criminal Court
ICG	International Contact Group
ICISS	International Commission on International and State Sovereignty
ICPF	International Community Planning Forum

IGAD	Intergovernmental Authority on Development
IMO	International Maritime Organization
ISAF	International Security Assistance Force
ITs	Information Technologies
JAES	Joint Africa-EU Strategy
JEM	Justice and Equality Movement
LICUS	Low Income Under Stress
MALSINDO	Malaysia, Singapore and Indonesia
MAPEX	Map Exercise
MOD	Ministry of Defence
MONUC	United Nations Mission in the Democratic Republic of Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
MoU	Memorandum of Understanding
MOWCA	Maritime Organization of West and Central Africa
MSA	Maritime Situational Awareness
NAC	North Atlantic Council (NATO)
NARC	North Africa Regional Capability
NATO	North Atlantic Treaty Organization
NSC	NATO Strategic Concept
NTC	National Transitional Council (Libya)
OAU	Organization of African Unity
PMPF	Puntland Marine Police Force
PSC	Peace and Security Council (AU) or Political and Security Committee (EU)
PSOs	Peace Support Operations
R2P	Responsibility To Protect
REC/RMs	Regional Economic Communities/Regional Mechanisms
ReCAAP	Regional Agreement on Combating Piracy and Armed Robbery against ships in Asia
SACEUR	Supreme Allied Commander Europe
SACLANT	Supreme Allied Commander Atlantic
SADC	Southern African Development Community
SALCC	Strategic Airlift Coordination Centre
SAR	Search and Rescue
SDCADSP	Solemn Declaration on a Common African Defence and Security Policy
SHADE	Shared Awareness and De-confliction
SHAPE	Supreme Headquarters Allied Powers Europe
SLM/A	Sudan Liberation Movement/Army
SMLO	Senior Military Liaison Office
SNMG	Standing NATO Maritime Group
SPMU	Strategic Planning and Management Unit
SWOT	Strengths, Weaknesses, Opportunities, Threats
TFG	Transitional Federal Government (Somalia)
UAE	United Arab Emirates
UIC	Union of Islamic Courts
UN	United Nations
UNAMID	United Nations/African Union Mission in Darfur
UNISFA	United Nations Interim Security Force for Abyei
UNMEE	United Nations Mission to Ethiopia and Eritrea
UNMISS	United Nations Mission in the Republic of South Sudan
UNSC	United Nations Security Council
UK	United Kingdom
US	United States of America
USEU	US Mission to the EU
WFP	World Food Programme

Foreword

The birth of the African Union (AU) a decade ago coincided with the birth of what has been termed the African Renaissance. This encompasses Africa's resolve to challenge the normative analysis, the stereotypes and the criticisms that the world has imposed on it. It involves a determination to take control of its destiny, to develop authentic solutions, and to stand up and be counted. Fortunately such a development is provided for in Chapter VIII of the United Nations (UN) Charter, and is also acknowledged in Article 12 of the treaty by which the North Atlantic Treaty Organization (NATO) was founded – both of which recognize universal as well as regional jurisdictions.

An assertive stance of this kind by the AU does not imply an isolationist attitude; it offers full scope for a position of complementarity, on a constructive basis, with other actors like NATO. As we look at charting the way forward between them, it is important that we take cognizance of what has gone on since the AU-NATO relationship was inaugurated in 2005. This collection of essays by respected scholars from Africa and the Euro-Atlantic area does just that. Each has defined issues by looking at different perceptions and world views on the AU and NATO. The recent experience in Libya has added particular realism to the process, without constraining creativity.

Just as at the conclusion of the 1 March 2012 Addis Ababa conference on AU-NATO relations which the present volume is based on, this compendium leaves the reader with the feeling that, despite divergent positions on the interpretation and implementation of UN Security Council Resolution 1973 of 17 March 2011 concerning Libya, there is still a basis for collaborative effort in exploring a durable partnership between the AU and NATO.

Strong relationships, however, happen by design. In this case

there are still critical issues that have to be addressed. The first is that any lasting collaboration between NATO and the AU has to be the result of a political decision. This raises pertinent questions: can the debate that has been initiated here move forward into the political arena? In advancing this project, it is necessary to recognize that both organizations differ in terms of nature and mandate, position in the geopolitical arena, and resource endowment. How are these differences going to be managed?

This volume, however, should be commended for having laid the foundation for a potential rethink of the AU-NATO partnership, and thereby for a constructive effort to harness the capacities of two institutions which are eminently relevant to peace and security on the African continent.

***His Excellency Dr. Mbuya Isaac G. Munlo,
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to the African Union,
the Economic Commission of Africa,
and Ethiopia***

Acknowledgements

This volume and the 1 March 2012 Addis Ababa conference on AU-NATO relations that helped inspire it, would not have been possible without the dedication and cooperation of many people. As the co-organizers of the project, we would like first and foremost to thank the contributors to this volume, who represent voices from Africa, Europe and North America addressing a subject of direct relevance to all three continents. We would like to thank them for their commitment, diligent revisions of their initial manuscripts, and patience during the final stages of the publication process. We would also like to acknowledge the invaluable counsel and support provided by national missions of NATO and AU member states in planning this project. In this regard, special mention must be made of H.E. Ambassador Odd Inge Kvalheim and his team, Minister Counselor Rolf Ree and Colonel Helge Lolland of the Royal Norwegian Embassy to Ethiopia (NATO contact mission to the AU). Similar gratitude goes to the chairs of the panel sessions at the March conference, H.E. Ambassador Mohammed Edrees of Egypt, H.E. Ambassador Mbuya Isaac Munlo of Malawi, H.E. Ambassador Michèle Lévesque of Canada, and H.E. Ambassador Renzo Rosso of Italy. The advice and support of the former Command with responsibility for the NATO Senior Military Liaison Officer (SMLO) in Addis Ababa, Joint Force Command Lisbon, as well as the EU Delegation to the AU, principally Colonel Sandy Wade, are also gratefully acknowledged. The same may be said for the Intergovernmental Authority on Development (IGAD), represented through the keynote address of Commander Abebe Muluneh, Director Peace and Security Program, at the March Addis Ababa gathering. Finally, we would like to acknowledge the unwavering commitment of the staffs of the Institute for Security Studies (ISS) and NATO Defense College (NDC), without which this project would not have been possible.

***H.E. Ambassador Olusegun Akinsanya, ISS
and Dr. Brooke A. Smith-Windsor, NDC***

INTRODUCTION

1

Building an AU-NATO Partnership for the 21st Century

Brooke A. Smith-Windsor

The idea for this volume, and the March 2012 Addis Ababa conference that preceded it, first emerged following the November 2010 Lisbon Summit of the North Atlantic Treaty Organization (NATO). On that occasion, the Atlantic Alliance's 28 member states adopted the current Strategic Concept, *Active Engagement, Modern Defence*¹, designed to serve as a “roadmap” for the next ten years. Alongside Collective Defence and Crisis Management, the document identified Cooperative Security or Partnerships as a core task:

The Alliance is affected by, and can affect, political and security developments beyond its borders. The Alliance will engage actively to enhance international security, through partnership with relevant countries and other international organizations [...] The promotion of Euro-Atlantic security is best assured through a wide network of partner relationships around the globe [...] We are prepared to develop political dialogue and practical cooperation with any nations and relevant

¹ NATO, *Active Engagement, Modern Defence – Strategic Concept for the Defence and Security of the members of the North Atlantic Treaty Organization*, Lisbon, 19-20 November 2010.

organizations across the globe that share our interest in peaceful international relations.

While the Strategic Concept specifically acknowledged the United Nations (UN) and the European Union (EU) in this context, NATO's nascent relationship with the 54-nation African Union (AU) – which did receive mention in the accompanying Lisbon Summit Declaration of Heads of State and Government² – was also implicated.

At the request of the AU, since 2005 NATO has been providing support for AU missions and capacity building. Such assistance has spanned the provision of airlift for the AU Mission in Sudan (AMIS), strategic airlift, sealift and subject matter expertise for the AU Mission in Somalia (AMISOM), as well as assessments of the operational readiness of the African Standby Force (ASF) brigades. In addition, NATO has contributed to enforcement actions off the Somali coast. It first did so in late 2008, providing maritime escort for World Food Program (WFP) vessels in response to the request of UN Secretary-General Ban Ki-moon; it has continued to do so since then, with UN Security Council authorization, through counter-piracy operations in the same region. So did the 2010 Strategic Concept merely reflect implicit acknowledgment of these developments? Or did it signal greater ambition for the AU-NATO relationship in the field of peace and security? If so, what form might this take? And how would African partners respond? Such questions were high on the minds of many – including NATO's top soldier, Admiral James Stavridis, Supreme Allied Commander Europe (SACEUR). In December 2010, he specifically requested the NATO Defense College to conduct an objective strategic assessment of NATO's role in Africa; the intention was that this would not only “consider how best to provide regional capacity building, thereby empowering the African Union further” but

² NATO, Lisbon Summit Declaration, 20 November 2010, http://www.nato.int/cps/en/natolive/official_texts_68828.htm (accessed August 2012).

also offer “policy recommendations in order to assist the conduct of counter-piracy operations.”³

The Commander had good reason for his petition. In 2010, though the two organizations had been forging a relationship over a period of five years, a strategic framework agreement to guide AU-NATO cooperation remained elusive (just as it does at the time of writing). Somewhat ironically given the overlap in NATO and EU memberships,⁴ the situation stands in stark contrast to the Joint Africa-EU Strategy (JAES) adopted by Heads of State and Government in 2007, which included the Partnership on Peace and Security. Here, priorities have been clearly established, spanning increased political dialogue on security matters, the full operationalization of the African Peace and Security Architecture (APSA), and predictable funding.⁵ In the absence of a similar strategic agreement and guidance at the highest political levels of the AU and NATO, however, relations between the two organizations have developed on a largely ad hoc, case-by-case basis primarily limited to the military-technical sphere. Such contacts are facilitated through the small, operational-level NATO Senior Military Liaison Officer (SMLO) team in Addis Ababa. Unlike the substantial EU Delegation to the AU, the SMLO office (at the time of writing) still enjoys no diplomatic accreditation. Within the Alliance, SACEUR had in 2009 endeavoured to fill the strategic void by issuing a Strategic Military Mission Order (SMMO) for the Alliance’s military AU engagement, but in late 2010 he clearly recognized the need for more in-depth analysis to consider prospects for AU-NATO collaboration in consideration of the new Strategic Concept. SACEUR’s approach to

³ NATO, Letter from Admiral J. Stavridis, NATO Supreme Allied Commander Europe, to Lieutenant General W.-D. Loeser, Commandant NATO Defence College, 22 December 2010, SHAPE - SH/FOR/RER/DFP/IRW/10-271618.

⁴ 21 of NATO’s 28 member states are also EU members.

⁵ Delegation of the European Union to the African Union, AU & the EU – Peace and Security: http://eeas.europa.eu/delegations/african_union/eu_african_union/peace_and_security/index_en.htm (accessed August 2012).

the NDC proved to be well founded: NATO's New Partnership Policy,⁶ issued in April 2011 at the Berlin Meeting of Foreign Ministers, offered little that was new or specific as regards the Alliance's level of ambition for partnerships with international organizations like the AU. As with official policy, scholarship on AU-NATO strategic relations has been equally lacking.

Issues

Over the course of 2011, the NDC and its African partner on this project, the Institute for Security Studies (ISS), began to investigate the questions they would pose to African and Euro-Atlantic scholars as part of the strategic assessment of NATO's role in Africa. It soon became apparent that, alongside counter-piracy, which SACEUR had previously identified, numerous other issues warranted consideration. NATO's intervention in Libya from March to October 2011, under the aegis of Operation Unified Protector (OUP), served only to compound these. Against this background, the following list of topics is illustrative:

NATO as a political-military organization. As previously mentioned, NATO's assistance to the AU has been primarily focused on operational support, staff capacity building and training. This support has been facilitated through the purely military SMLO office, often described as the face of NATO in Addis Ababa. While laudable in their own right, such developments have perpetuated the impression among many AU interlocutors that the Atlantic Alliance is a purely military organization able to provide only technical advice and operational support on security matters; this perspective on NATO is consistent

⁶ NATO, Active Engagement in Cooperative Security: A More Efficient and Flexible Partnership Policy, Berlin, 15 April 2011, http://www.nato.int/nato_static/assets/pdf/pdf_2011_04/20110415_110415-Partnership-Policy.pdf (accessed August 2012).

with its perceived predisposition to promote only military solutions to conflict. The irony, according to many stakeholders, is that NATO is arguably missing the opportunity to offer the AU its most valuable asset: experience and expertise as an unprecedentedly mature political-military organization. In other words, the Alliance is seen as having the kind of diplomatic-military Command and Control (C2) structures and shared doctrine for crisis management planning and execution – predicated on civilian control of the military – that the APSA needs and aspires to, at all levels.

Capacity building versus direct intervention. Since 2005, NATO support to the AU has been anchored in what is sometimes referred to as “constructive disengagement”, “an approach centered on the build-up of African intervention capacity as an alternative to European or US direct engagement.”⁷ For the Alliance, it has most clearly manifested itself in the frequently heard operating principles of “African ownership” and “minimal NATO footprint”. However, the Alliance’s 2011 direct intervention in Libya to implement UN Security Council Resolutions 1970 and 1973, with the resulting fall of the Gaddafi regime, has led many AU interlocutors to question NATO’s long-term motives and commitment to constructive disengagement.

NATO and Pan-Africanism. Although NATO officials often stress the importance of coordination with other international organizations and countries which have AU partnerships, little if any specific attention is given to the importance of internally coordinating Alliance policy approaches to the AU with its other – often longer-standing – partnership and outreach programs involving African states (e.g. Mediterranean Dialogue, outreach to the Arab League). The flexible formats espoused by NATO’s New Partnership Policy clearly have their merits, but treating partnerships in isolation entails the risk of

⁷ David Bach, “The AU and the EU” in *The African Union and its Institutions*, John Akokpari *et al.*, eds., Sunnyside, South Africa, Fanele, 2009, p. 362.

policy incoherence, even duplication, leading to the waste of finite human, material and financial resources. The Alliance's AU policy is no exception. The very establishment of the AU is predicated on the hopes for "Pan-Africanism" – of building up the capacity for continental approaches to peace and security affairs in the perspective of accelerated African political and socio-economic integration. This orientation led the European Commission in 2005 to place particular emphasis on addressing Africa as "one entity", and to "reinforce [...] dialogue with the pan-African institutions". Earlier that year, the Luxembourg Presidency of the European Council had stressed that the "EU considers the AU as its main counterpart within the EU-Africa dialogue, being understood that Morocco [not an AU member state] remains associated in a pragmatic way."⁸ For NATO, the response has been less clear.

NATO-EU policy disconnects. While both the NATO Secretary General and SACEUR have placed particular emphasis on close coordination with the EU to ensure maximum complementarity and effectiveness, significant policy disconnects appear to exist. The minimal footprint and bottom-up orientation that has characterized the Atlantic Alliance's outreach to the AU has ostensibly been adopted so as not to overwhelm the young organization. Despite the considerable overlap in membership between NATO and the EU, this contrasts sharply with the latter's decision to profile peace and security support as a central plank of the previously mentioned JAES, with €100 million of the EU African Peace Facility (APF) currently earmarked for the APSA.⁹ Given the EU's relative immaturity as a security actor by comparison with NATO, there are obvious ironies and inconsistencies here. Many local observers in Addis Ababa would actually be more inclined to see the forthright positioning of NATO as

⁸ Ibid, pp. 359, 364.

⁹ European Commission, *African Peace Facility*, http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm (accessed August 2012).

a principal “practical partner”, alongside the EU as a leading financial one. Even in financial terms, however, there appears to be a policy disconnect: the EU funding earmarked for the APSA includes €1 million for ASF workshops,¹⁰ while for NATO common funding to support AU staff capacity building activities is a rare exception. The conservative approach to funding within the Alliance is apparently predicated on a desire to avoid sensitive discussions about financial accountability, even if that means a smaller role for NATO in the international community’s support to the ASF. The exact opposite policy calculation nevertheless appears to have been made by many of the same European states in an EU context.

Limited strategic-level contacts. AU-NATO strategic-level contacts and political dialogue have been periodic at best, despite the need recognized by the SMLO and others for more high-level diplomatic outreach to move the partnership forward. Annual military-to-military talks aside, high-level AU-NATO political contacts in Addis Ababa have been largely limited to two visits, the first in 2008 and the second in 2010, by the NATO Deputy Assistant Secretary General for Operations. During OUP, the AU Commissioner and NATO Secretary General did consult in Brussels, but there is nothing remotely comparable to the structured dialogue between the AU and other actors, such as the Africa-EU Summits, the India-Africa Forum and the Forum on China-Africa Cooperation.

Questions

As the NDC and ISS investigations continued throughout the 2011 Libyan war, via ongoing consultations with NATO and AU officials

¹⁰ European Commission, Development and Cooperation – EUROPEAID, African Standby Force, http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/capacity_building/african_standby_force_en.htm (accessed August 2012).

and national diplomatic missions in Addis Ababa, a consolidated list of questions emerged. The grouping of questions outlined below formed the basis of the agenda for the unprecedented Addis Ababa conference on AU-NATO relations on 1 March 2012. This conference, attended by over 250 participants drawn from academia, officialdom and civil society in Africa and the Euro-Atlantic area, was in turn the basis for the collection of papers in the present volume.

Defining level of ambition. What are the aspirations and expectations for the AU-NATO relationship, in both political and military-technical terms? Is there a common view, shared between as well as within both organizations? By extension, what is (or should be) the AU's vision for its role as a peace and security actor, and NATO's vision for its role in the promotion of peace and security in Africa through the African Peace and Security Architecture (the APSA)? Do both organizations and their member states hold similar views with respect to the balancing of the justification for intervention against respect for state sovereignty and territorial integrity? What do NATO's past and current interventions out of its immediate treaty area suggest as regards prospects for its future involvement in Africa? What are the mutual interests of the AU, NATO and their member states in strengthening the relationship in both "peacetime" and times of crisis? What more could NATO offer to support the AU's leadership role in providing peace and security in Africa? What are the opportunities? What are the impediments? What are the lessons learned from the experiences of other organizations partnering with the AU in peace and security operations (e.g. United Nations), which may positively inform the development of future AU-NATO relations?

Forging policy coherence. How does the AU-NATO relationship relate to the mutual aspirations and expectations of the other partnership initiatives involving NATO and African states (e.g. Mediterranean Dialogue; outreach to the Arab League; UN-NATO Joint Declaration)?

How does NATO view its regional relationships in the context of the hopes for pan-Africanism and continental approaches to peace and security embodied in the AU? Do bilateral relations (e.g. NATO to AU member state; AU to NATO member state; NATO member state to AU member state) align with the objectives and expectations regarding the AU-NATO relationship? Is this important? Given their partially overlapping memberships, to what degree should the European Union (EU), the Group of Eight (G8) and NATO support to the AU's continental leadership in peace and security be coordinated and mutually reinforcing? How do (or should) the Regional Economic Communities (RECs) figure in the evolving AU-NATO partnership? What is (or should be) the role of the AU's partnership with NATO by comparison to its relations with other organizations (e.g. UN, EU, BRICS) and non-NATO nations in the field of peace and security?

Developing practical interfaces. What strategic and working-level interfaces need to exist between the key bodies of the AU and NATO, so as to chart a judicious and realistic way ahead for the partnership? In this context, what principles or norms need be deployed? Who from both organizations should lead the effort to delineate and manage the relationship? How formal or informal should the relationship be? What lessons learned from other organizations' partnerships with the AU could positively inform the working mechanics of the AU-NATO relationship?

Contents

In addressing many of the questions posed above, this volume is divided into four parts. Early drafts of each contribution to the respective sections were presented at the aforementioned March 2012 conference. However, the authors were encouraged to take subsequent months for further reflection based on the peer review and discussion and debate

that had transpired in Addis Ababa. This volume thus represents more than conference proceedings: it is the first substantive collection of essays on NATO's role in the whole of 21st Century Africa by highly eminent as well as rising scholars, resident in AU and NATO member states, with a keen interest in the two organizations' contributions to international peace and security.

Part 1: AU-NATO Relations in Perspective

The first part of this volume offers an overview of key conceptual and policy considerations deemed central to understanding and navigating AU-NATO relations. Although interpretations occasionally vary, several of the themes, factors and recommendations presented in Part 1 re-emerge in the three subsequent parts, which are more narrowly focused on particular aspects of the inter-institutional relationship.

In Chapter 2 – *NATO and the AU Partnership: The Challenge of Risk Management in a Global Age* – Christopher Coker, the British scholar and author of the seminal text on NATO and Africa in the Cold War,¹¹ points out that one major historical change from that time is that NATO now has an Africa policy and partnerships with the continent. The observation points to an important distinction that must be made when referring to NATO – the distinction between what NATO member states may do on their own account versus what policies and actions the 28 Allies decide on collectively by consensus. It is only in the latter case that a NATO policy or NATO operation is constituted. Coker goes on to argue that contemporary security challenges are not so much existential threats but rather un-nameable and nameable risks ranging from proliferation and ethnic cleansing to cyber terrorism. He asserts that the management of such transnational risks is an area in which the AU and NATO are inevitably becoming directly involved

¹¹ Christopher Coker, *NATO, the Warsaw Pact, and Africa*, New York, St. Martin's Press, 1985.

as partners, since the world is made up of a growing complex of interconnected and interlocking organizations. Coker notes, however, that to be sustainable, the AU-NATO partnership must be normative, with a basis in good governance, democracy and development.

The eminent Nigerian scholar, Bola Akinterinwa, considers in Chapter 3 – *AU-NATO Collaboration: Defining the Issues from an African Perspective* – how perceptions, interests and inter-state rivalry over Africa bear on AU-NATO relations. He later explores the extent to which respect for international law, mutual trust and the principle of “African Solutions to African Problems” figure in the relationship, pointing to a mixed record. Although the perspective is not widely held, due to the Russian and Chinese abstentions he questions the integrity of the UN Security Resolution 1973 through which NATO justified its recent intervention in Libya. However, Akinterinwa concludes that, despite the strains experienced over NATO’s intervention in Libya, a robust AU-NATO partnership is still possible provided there is sufficient political will on both sides.

Fellow Nigerian J. Shola Omotola contributes Chapter 4 – *The AU and NATO: What Manner of Partnership?* – He turns to first principles so as to appreciate the nature of the AU-NATO dynamic by offering a compelling definition of partnership. He examines the extent to which its central tenets – mutual dependency and normative rules – are present in AU-NATO relations, pointing to their marked absence for reasons attributed to both sides. The chapter offers a number of remedies, not least of which is the call for the rapid conclusion of a strategic framework agreement or memorandum of understanding to guide AU-NATO relations forward.

In Chapter 5 – *Prospects for AU-NATO Cooperation* – German international relations scholar Markus Kaim focuses on aspects of inter-organizational theory and practical policy considerations to

discern prospects for AU-NATO collaboration. These include resource dependency, NATO's record in crisis management, shrinking defence budgets and purported increased introspection in the West. Kaim concludes that the Atlantic Alliance's role in Africa is likely to be limited and focused on capacity building. More direct interventions on the scale of OUP in Libya, he contends, are unlikely. Despite this modest outlook, a number of recommendations for improved AU-NATO relations are presented, spanning greater NATO support to the RECs and the principle of pan-Africanism embodied in the AU, as well as exchange of lessons learned and greater AU-NATO political dialogue.

The Zimbabwean-British academic and lawyer Kumbirai Hodzi observes in Chapter 6 – *Forging and Charting a Judicious and Realistic Partnership: Rethinking the Interfaces between the African Union and NATO* – opportunities for more robust AU-NATO interaction, in spite of misperceptions and recent tensions over Libya. For example, Hodzi identifies a significant point of departure in the shared adherence to liberal democratic values declared in the two organizations' founding treaties – NATO's 1949 Washington Treaty and the AU's 2002 Constitutive Act. He attributes much of the fallout over Libya to inadequate institutional interfaces. As a remedy, Hodzi presents a comprehensive blueprint for fostering stronger ties, ranging from an "AU-NATO Forum" of Heads of State and Government to civil society engagement consistent with the African Common Defence and Security Policy (ACDSP).

Part 1 concludes with the contribution of the American scholar, Christopher Daniels – *Critical Alliances for Africa's Future: AU-NATO Cooperation and the Implementation of the African Peace and Security Architecture* (Chapter 7). Following a review of NATO involvement in Sudan, Somalia and Libya, he argues that the best safeguard for a mutually beneficial AU-NATO relationship is a more systematic approach to cooperation, focused on the priorities outlined

in the APSA. In particular, Daniels advocates a new security protocol, with the RECs at its core, to facilitate international support for the AU in resolving conflict in Africa.

Part 2: Lessons from Libya

Of the three parts to turn attention to specific aspects of AU-NATO relations, Part 2 addresses conceivably the most politically sensitive and controversial one – the Atlantic Alliance’s kinetic, direct intervention in the African continent over Libya (OUP). With the experience generally seen as a setback in the AU-NATO relationship, the contributions in this part help to explain why, and what if anything can be done to recover from it. Some also arguably point to the ongoing challenge for NATO in distinguishing for the outside world what its member states do collectively as an Alliance vice the independent actions by individual Allies.

Part 2 begins with the contribution of Ethiopian-based Indian scholar Kay Mathews – *The 2011 NATO Military Intervention in Libya: Implications for the African Union*. Chapter 8 counsels Africans to be wary of direct NATO interventions in Africa, arguing that they risk Western neo-imperialism – the pursuit of selective parochial national interests and spheres of influence on the continent – dressed in a cloak of humanitarian principles like the Responsibility to Protect (R2P). While not discounting some humanitarian intentions in NATO’s recent Libya operation, he suggests that interest in oil, for example, also played a role. Unlike Kaim in Chapter 5, the author also sees the episode as a pretext for more Western interventions in Africa. By the same token, Mathews laments the perceived confused and uncoordinated response to the Libyan crisis among African leaders. He cautions that unless a strong and powerful AU emerges, Africa will not establish its relevance on the global stage.

In Chapter 9 – *Paternalism or Partnership? The AU-NATO Relationship and the Libyan Crisis: Implications for Security Governance in Africa* – Nigerian analyst Adesoji Adeniyi shares (for many of the same reasons as Mathews) concerns about direct NATO interventions in Africa, justified on the grounds of R2P or otherwise. He equally laments the AU’s own limitations in addressing crises like the Libyan one. This leads him to call for greater African commitment to the ASF, alongside more robust AU diplomacy and strengthened institutional mechanisms, to address internal differences as well as to withstand external pressure. As regards the AU and NATO, Adeniyi asserts that, to develop into a mutually beneficial partnership of the kind introduced by Omotola in Chapter 4, the Alliance’s military-technical support to the AU should be matched with the exchange of AU knowledge about the socio-political realities and underlying causes of conflict in Africa. Similar to Omotola, he also identifies an urgent need for a strategic framework agreement to define the partnership’s guiding philosophy, the responsibilities of each party, and when and how they should be fulfilled. These needs are discussed in the perspective of the principle of “African solutions to African problems.”

The Congolese analyst Christian Kabati reflects on the implications of the armed intervention of NATO and foreign states in Libya from a politico-legal perspective. Chapter 10 – *NATO Military Operations in Libya in Relation to International Humanitarian Law* – looks closely at the provisions of UN Security Council Resolution 1973, considering in particular the meaning of “all necessary measures” for its implementation. Kabati points to what he sees as excessive political and military activism on the part of Western powers, with insufficient priority given to a peaceful settlement. Where the future of NATO in Africa is concerned, the author concludes with a call to the Atlantic Alliance for a greater commitment to multilateralism and mediation in crisis management, with due deference to the initiatives of the AU to bring about continental peace and security.

Two Ethiopian legal scholars, Mehari Taddele Maru and Solomon Ayele Dersso, bring Part 2 to a close with one additional look at the legal issues and political controversies surrounding NATO's recent operation in Libya – *The North Atlantic Treaty Organization's Intervention in Libya and its Political and Legal Implications for the Peace and Security Architecture of the African Union: A View from Africa* (Chapter 11). They assess the ramifications of external intervention in Africa for humanitarian ends, in light of the decisions and opinions issued by the AU through Summits, the Peace and Security Council, the High-Level Ad Hoc Committee on Libya, and the Commission on International Law. The authors conclude that, while robust cooperation with the Atlantic Alliance would benefit the AU in its efforts to effectively implement the APSA, such cooperation should be strictly governed by the principles of complementarity, subsidiarity, comparative advantage and respect for the mandates of the AU on peace and security issues in Africa. They equally urge Africans to respect the AU's primacy as regards responsibility for continental peace and security, including engagement with external actors like NATO.

Part 3: Crafting a Collaborative Counter-Piracy Regime

Part 3 serves to address SACEUR's original call for policy recommendations to strengthen NATO's efforts to combat piracy in Africa. The areas most susceptible to piracy, to the east in the Gulf of Aden and beyond where the Atlantic Alliance is conducting counter-piracy operations, and to the west in the Gulf of Guinea where it currently is not, are addressed. Crisis management as well as crisis prevention strategies are presented.

In Chapter 12 – *Towards an Enduring Counter-Piracy Partnership: Prospects for AU-NATO Cooperation* – Canadian analyst James Bridger focuses on the problem of Somali piracy. The author asserts

that, in endeavouring to address it, NATO and its international allies are at present engaged in an unsustainably expensive campaign of naval containment. The implication is that a sustainable solution to piracy will only come about with a greater focus on regional maritime capacity building instead. According to Bridger this should include an AU-NATO “Maritime Security Dialogue”, to facilitate regional naval cooperation, equipment and vessel procurement, training, intelligence coordination, and engagement with Somalia’s autonomous regions, namely Somaliland, Puntland and Galmudug.

In emphasizing the need for the Atlantic Alliance and its partners to prevent conflict and anticipate crises as much as manage them, Portuguese scholar José Francisco Pavia turns attention in Chapter 13 – *The Maritime Dimension of AU-NATO Relations: The Case of the Gulf of Guinea* – to the resource-rich Central/South Atlantic, where piracy has yet to reach the levels experienced off the Horn of Africa. To ensure that it does not as well as to address other risks such as drug trafficking, terrorism and natural or man-made disasters, Pavia urges NATO to proactively engage in a comprehensive partnership with the AU and West African regional organizations and their member states with a view to creating a collective security system for the Gulf of Guinea. This would include leveraging the Atlantic Alliance’s considerable expertise and experience in areas ranging from maritime surveillance to civil emergency planning.

Part 4: The Challenges of External Actors' Engagement

The final part of this volume examines the particular challenges associated with the effective management of multiple external contributions to African peace and security. Here, a multitude of issues arise, including the level of complementarity and coordination among the policy initiatives of international organizations and individual states,

the absorption capacity of the emergent AU to manage partnerships, as well as the fine balance that must be struck between offers of external support from actors like NATO and AU self-reliance. As Kai Schaefer of Germany notes in Chapter 15, history offers no examples of regional organizations that have in the end thrived and succeeded when dependent on external assistance.

Part 4 begins with the intervention of Egyptian scholar Sally Khalifa Isaac, entitled *The Transatlantic Partnership and the AU: Complementary and Coordinated Efforts for Peace and Security in Africa?* (Chapter 14). Isaac focuses on the activities in sub-Saharan Africa of various Western actors – NATO, EU, G8 and individual North American and European states, which for purposes of discussion are collectively referred to as the “transatlantic allies”. Following a comparative exposé of their support for the APSA, she assesses the level of complementarity and coordination among them in a range of policy areas including training, support to AMIS II, and counter-piracy. Isaac observes generally complementary policies, but few that are deliberately orchestrated to be so. She concludes by offering a number of recommendations to provide greater assurance of mutually supporting actions in future.

In Chapter 15 – *NATO and the EU as AU Partners for Peace and Security in Africa: Prospects for Coordinated and Mutually Reinforcing Approaches* – Kai Schaefer’s approach is in part reminiscent of that adopted by his compatriot Markus Kaim in Chapter 5. Here, he considers both inter-organizational theory and practical policy factors in discussing prospects for NATO and EU coordinated support, as well as AU capacities to receive it. To date, Schaefer observes similar but not synchronized NATO and EU initiatives, as well as missed opportunities to heed AU calls for more rationalization among donors. His solution is the development of a tripartite relationship between NATO, the EU and AU. This would encompass trilateral consultative

forums to discuss donor division of labour based on current assets and, in particular, the requirements identified by the AU in order to safeguard the principle of African ownership.

Two Canadian academics, Alexander Moens and Jimmy Peterson, follow in Chapter 16 – *Canadian Interests in Building Cooperation between NATO and the African Union* – with an assessment of how Canada’s development, diplomatic and military contributions to African peace and security can be enhanced through further political and operational cooperation between NATO and the AU. They argue that Canada’s international policy outlook is grounded in a commitment to human security and R2P, to which the AU also adheres and on which NATO is well positioned to help Canada deliver, whether through regional capacity building or direct interventions. The authors suggest that the remaining challenge for all three, however, is to work with the UN and others towards maturing the concepts and mechanisms for implementation. They conclude that in Africa this will demand greater AU-NATO political dialogue alongside increased capacity-building efforts, both of which Canada is ideally positioned to facilitate.

* * *

The rich and comprehensive analyses in this volume are presented in the spirit of academic freedom. The intent in compiling them is to engender open discussion and ongoing debate among academicians, practitioners and civil society about an inter-institutional relationship with direct bearing on the future of Africa and the Euro-Atlantic area. As H.E. Ambassador Mbuya Munlo also touches on in the Foreword, a recurrent theme of the chapters contained herein is that neither the AU-NATO partnership nor its two constituent parties are irrelevant to the ongoing quest for international peace and security. Nor is there

an underlying sense that any of the three are irrevocably broken as a consequence of the 2011 Libyan crisis. Quite the opposite is true. Collectively, the manuscripts represent a call to action for renewal and improvement, based on the lessons of the past with the offering of innumerable new ideas of how to proceed.

PART 1

AU-NATO RELATIONS IN PERSPECTIVE

2

NATO and the AU Partnership: The Challenge of Risk Management in a Global Age

Christopher Coker

Partnership between NATO and the African Union (AU), like the Alliance's involvement in African affairs generally, is not without its critics. A Google search for "NATO" and "Africa" results in over 100 million hits and a significant number of these criticise the recent NATO mission in Libya that led to the downfall of Colonel Muammar Gaddafi, one of the architects of the AU. Despite the accepted wisdom that history never repeats itself and it is only historians who do so, such criticism is not entirely new. At a 1978 conference of the Organization of African Unity (OAU), the forerunner of today's AU, the President of Nigeria condemned French intervention in Zaire and the parachute drop at Kolwezi as a "NATO mission". "Parachute drops in the 20th century", he insisted, "are no more acceptable than gunboats in the last century were to our ancestors."¹

By way of historical parenthesis, there was actually no such thing as a NATO policy towards Africa at any time in the Cold War. There had been numerous discussions in the 1950s about incorporating part of the continent into NATO's operational area, including what was referred to at the time as the French West African Quadrilateral – bounded by Tunis in the north, Dakar in the west and Douala in Equatorial Guinea. Nothing came of this. The 1960s actually marked

¹ Speech delivered by Olusegun Obasanjo to the 15th summit meeting of Heads of State and Government, OAU, Khartoum, reprinted in *Africa Currents*, 12/13 Autumn/Winter 1978/9.

the retreat of Western power, not its strategic re-coupling. In the 1970s, NATO concluded that it would have been a serious mistake to view Africa only in the light of the East-West conflict. While Alliance members, including France and the United Kingdom, maintained Africa policies of their own as they do today, NATO did not. In the 1980s the Soviet threat was taken far more seriously and there were conspiracy theories aplenty about the relationship between Supreme Allied Commander Atlantic (SACLANT) and apartheid South Africa. However, no evidence could be found to substantiate them.² Against this background, one major historical change is that NATO now has an Africa policy and partnerships with the continent – since 1994 with North African states within the Mediterranean Dialogue, and since 2005 with the AU. Criticism of NATO engagement in Africa must therefore be taken seriously.

It is useful to be reminded that, though we may escape history, it is ultimately far more difficult to escape the past entirely. Memories are deeply rooted, hence the opposition to the NATO mission in Libya on the part of several African countries, including those who initially voted for UN Security Council Resolution 1973. They saw the mission as an example of Western “overstretch”, or confirmation of the Alliance’s wish to become an “out of area enforcer”. Here, the issue for some Africans is a perceived ideological threat: liberal internationalism as a cloak for a new colonialism. This means that history must be confronted as a point of departure for any sustainable relationship between NATO and the AU. Environmentalists talk of the human footprint on the environment, entailing the need for all of us to identify a model of sustainable development. In the same way, it can be said that there is a historical footprint in Africa left by the West. Hence the need for a *sustainable* model of political engagement if the partnership is to have any viability, or even legitimacy, in the eyes of Africans themselves.

² Christopher Coker, *NATO, the Warsaw Pact and Africa*, London, Macmillan, 1985.

The post-1989 world

The best way to map out the situation since the end of the Cold War is to begin with what is different today from the past. Two key differences emerge: risk management and risk managers.

Risk Management

Africa is no longer a potential battlefield between rival military blocs. Even if NATO was not directly involved, the Western powers were indeed interested in what was happening on the continent during the Cold War. This was especially true after 1968, when the first Soviet naval ships appeared in the Indian Ocean, and ten years later with the first Cuban intervention in the Horn of Africa and Angola. Today, however, the West speaks a different language: not that of threat, but of risk; not that of threat prevention, but of risk management. In this context, the management of risk is an area in which the AU and NATO are becoming directly involved together as partners.

By far the most interesting model of a *synergistic* initiative involving risk management and a range of different actors (including the EU, Russia and China) is NATO's contribution since December 2008 to the anti-piracy effort off the Horn of Africa. The Alliance has recently decided to extend this contribution, Operation Ocean Shield. It is a model of the kind of risk management regime that might be applied elsewhere on the continent in years to come.

Comparison of the past and present also serves as a reminder that partnerships are becoming less exclusive. The world is made up of a

growing complex of networks, each consisting of interconnected and partially interlocking organisations. This is very different from the old system of rival blocs and alliances, where a country had to belong to one grouping or to the other. Some NATO members also belong to the EU, and the two institutions are still working out their own relationship with each other. Within the EU some countries belong to the eurozone, and some remain outside it. The anti-piracy “coalition” involves points of interface between a number of organisations, and the navies of several countries with different interests of their own.

The strongest argument for working hard on developing a particular partnership with NATO is not the need to choose between partners, but the recognition that isolation is no longer possible; the challenge is to make one partnership work, while not neglecting others.

Risk Managers

In this world of risks both NATO and the AU are in the process of defining a role for themselves. Speaking at the Davos World Economic Forum in 1992, Czech President Václav Havel remarked that sooner or later the Western Alliance would face the task of finding a new, post-modern face. It already had the previous year, when it published the first of what are now three post-Cold War Strategic Concepts, the most recent in Lisbon in 2010. Instead of remaining a security community guarding itself against a Soviet threat, NATO has become a risk community securing itself against what its first post-Cold War Strategic Concept (1991) called “a new security environment” of both nameable and unnameable risks.

The difficulty is not so much in identifying a risk such as cyber-

terrorism, nuclear proliferation in the Middle East, or ethnic cleansing as in the Balkans during the 1990s. What is far more difficult is to define them precisely. Politically, such risks are not existential and do not affect all members in the same way, thus making it difficult to achieve consensus for collective action. Militarily, the different views on how best to deal with risks reveal underlying differences in military culture, including risk-taking. Some NATO members are more willing to take risks than others. The Strategic Concept of 2010 reaffirmed that NATO was in the business of risk management, but it did not lead to agreement on how to prioritise these risks, or how to share the burden of managing them. One answer which was proposed was to coordinate with others in the international community, principally the EU and the UN, but the partnership with Africa also came relatively high on the list.³

Success with this partnership in particular will ultimately depend on how well the Alliance understands and responds to the real security problems of the continent. Africans will not be impressed by the partnership if they think that the West's interests are one-dimensional, related solely to an interest in bases for hunting or destroying networks linked to Al-Qaeda, or in countering China's growing influence on the continent. The partnership can deliver only if risk management is the principal theme. And risk management will be effective only if it empowers African partners and helps them to build their own security capacity.

In this respect it must be remembered that the AU itself is also in transition. The Libyan operation divided African opinion, with some governments expressing particularly vociferous opposition to the operation. Some members would prefer closer cooperation between the AU and the UN; others are more positively disposed towards

³ Heidi Reisinger, *Rearranging Family Life and a Large Circle of Friends: Reforming NATO's Partnership Programmes*, NATO Defense College, *Research Paper n. 72*, January 2012.

partnership with NATO. How the West and Africa deal with the post-Libya issue is not only a matter of managing contentious inter-institutional relations. It is also a matter for Africans: what do they want the AU itself to become?

Most of its members would probably be the first to recognise they have grounds for fear not so much in terms of outside intervention as in terms of problems closer to home, such as the ongoing conflict in the Democratic Republic of Congo (DRC) in which 1,200 lives are lost every day. The cases where rebel movements take advantage of “ungoverned spaces” in neighbouring states, as has happened in Somalia, Chad and the Central African Republic, should also be at the top of the list. Freedom from the fear of subversion is a precondition of true democratic development. Although five of the 20 fastest growing economies in the world are now African, the World Bank still lists 20 countries on its LICUS (low income under stress) index – the majority because of their status as “conflict-affected” or “post-conflict affected”.

An issue which inevitably arises is whether the break-up of Sudan is likely to destabilise part of the continent and lead to the break-up of conflict-ridden states like the DRC. “This is the beginning of the crack in Africa’s map,” predicted Africa’s then longest-serving ruler in late 2010. “What’s happening in Sudan could become a contagious disease that affects the whole of Africa”. History proved that Gaddafi was right to fear the consequences of contagious disease, though the one that claimed his own life was the Arab Spring. More apposite was the stark acknowledgement of Chad’s President: “We *all* have a South.”⁴ After recently achieving statehood, there is no evidence that South Sudan’s secession has made independence more likely for other would-be states such as Cabinda or Ogaden. It is, however, a reminder to Africans of

⁴ Terence McNamee, *The First Crack in Africa’s Map? Secession and Self Determination After South Sudan*, Brenthurst Foundation, Discussion Paper 2012/01, p 5.

the need for the AU itself to play a larger role in reconciling alienated peoples to the countries in which they find themselves living. NATO support for the AU mission in Sudan and Somalia bears testimony to the Alliance's investment in stability on the continent. But the risks are still great – countries could fracture along the faultlines of ideology, and even religion, which organisations like al-Qaeda and its proxies (or those who merely trade in its name) could well exploit, as in northern Nigeria. This explains the need for a security dimension.

As the previously cited study by the Brenthurst Foundation noted recently, only five states in Europe currently have the same frontiers that they had 100 years ago. Future developments in the United Kingdom may soon make it four. Europe can offer some useful tips on how to make its various minorities feel more at home with a range of local and regional self-rule arrangements. The European core principle of “shared sovereignty” has not yet gained traction in Africa, in part because it is heavily reliant on public trust in the democratic system. This principle will presumably grow more attractive as the continent continues its democratic evolution.

In short, NATO and the AU each have their own challenges to face, and one way to do so is to face them together. Africa and Europe are inextricably interlinked in their respective futures and, as long as China seems unready (or unwilling) to shoulder the burdens of power, Africans should think of partners nearer home.

In this overall setting, what are the imperatives of risk management? And what form is partnership likely to take?

The Imperatives of the AU-NATO Partnership

In 2011 NATO adopted a new expression, “the management of partnerships”, in the hope of making its existing partnerships more effective. The new management system is intended to allow the Alliance to work on more issues with more partners, in more ways. Despite the Libyan operation, the political vision of promoting democratic values through cooperation may move into the background as NATO concentrates on what it can do best – multilateral military action. The “community of values” may make room for the “cooperative approach to security”, which is simply the minimalist idea that NATO should be a military tool box.

Some African states would certainly prefer this. But without the Alliance’s traditional emphasis on promotion of democracy, the relationship would be unsustainable in the long term. Without a democratic subtext, its political legitimacy might quickly erode. However, democracy must be the subtext: the main text must be *development*.

What the AU-NATO partnership must address is what Africans need most and the West needs most for Africa to be a security provider. Three main priorities can be identified here.

1. Development and Defence

Without security, the continent cannot develop. This necessarily means channelling resources to key instruments of security: the Army, the Police and the Intelligence Services. But it also requires that they be made more professional, and kept under strict civilian control – hence the emphasis on political accountability. Greater cooperation between NATO and African countries (and, in exactly the same way, between Africa and the EU) could facilitate “habits of cooperation”

which could lead to the increasing professionalization of Africa's security forces.

2. Development and Diplomacy

Africans obviously need to keep their eyes open. External relationships frequently come with strings attached. It is best to recognise that external actors, including the West, have their own legitimate interests, but that it is not necessarily a zero-sum world. There is a role for other actors in securing the continent, whether it takes the form of NATO support for long-term peacekeeping capabilities such as the African Standby Force, support for the AU mission in Sudan, or participation in military exercises such as the two-week “Steadfast Jaguar” in the Cape Verde Islands back in 2006. It is also very important that NATO has been a member of the International Contact Group on Somalia since 2009. Furthermore, three major diplomatic problems facing Africa today are the viability of south Sudan, the rescue of Somalia from its failed state status and stability in the Democratic Republic of Congo (DRC). NATO is involved in the first two, though not the third, and the Alliance as well as its individual members — especially France, Britain and the US — can play a positive role in the eventual resolution of two of the three issues.

3. Development and Democracy

There also has been long-standing tension in terms of reconciling emphasis on ensuring the right conditions for development and stability with the extension of political freedom. In simple terms, it is more difficult for any democratic culture to flourish where people are economically or socially deprived. It is therefore vital that African security should not be regarded merely through the prism of military concerns. The continent and the West should be focussing their efforts on managing the risks which arise from the globalisation of security, not seeking to militarise globalisation itself.

This is a critical historical moment for Africa and the West, since the emphasis on development naturally works both ways. Only ten years ago Western policy towards Africa was still couched in a language of benign, but detached, concern for poorer neighbours to the south. Today Europe is alert to its own strategic vulnerability resulting from the loss of structural competitiveness by countries and regions in its own periphery. The current context is therefore very different from the past. When Spanish youth unemployment is on a par with joblessness in northern Morocco and when general unemployment rates in Spain, Greece and Portugal exceed those in most of North Africa (even if much employment in the region is informal, insecure and badly paid), joint alternatives need to be urgently pursued. The EU needs to help southern Europe look further south and treat the two crises it currently faces – stagnation at home and political instability in North Africa – as one.⁵ To respond to changes in the international power balance the West will need to forge more open-ended alignments with the non-Western world. This is as true for NATO as for the EU.

Conclusion

Both NATO and the AU are in the process of transition. They find themselves locked into an age when risk management has become the abiding security concern for both partners. The partnership still carries historical baggage, and perhaps always will: this will be a complicating factor, but not perhaps an insuperable one. As habits of cooperation emerge, some of the old suspicions may gradually erode.

Risk management for the West must be normative. Good governance, democracy and development must be at the very heart of the partnership if it is to be sustainable. Africa may be presented

⁵ Robin Niblett and Claire Spencer, "Time to build bridges over the Mediterranean", in *The World Today*, February/March 2012, p.13.

with other models of conflict resolution – non-Western peacekeeping ideas, as it is already being offered non-Western models of capitalism and, in the case of China, a policy of “creative intervention”. In due course it will have to judge for itself the models and partners that best take into account genuine African expectations and concerns. However, this is not necessarily an either/or proposition. As stated earlier, partnerships are becoming less exclusive. As far as NATO and the AU are concerned, out of a fully functioning relationship may emerge common working habits based on values as well as interests, and perhaps a recognition that historically and culturally Africa and the West, particularly Europe, are inextricably interlinked. They are likely to share the same future.

3

AU-NATO Collaboration: Defining the Issues From an African Perspective

Bola A. Akinterinwa

Introduction: Issues in AU-NATO Collaboration

The AU and NATO are both inter-governmental organizations, but their development as security actors has occurred for different reasons and at different rates. The *raison d'être* of NATO is historically traceable to the late 1940s and the need to contain communism within the framework of the Warsaw Pact countries, and thus has always been security-driven. Its security agenda, which has shifted and expanded since the end of the Cold War, now includes concern with combating terrorism, curbing the proliferation of weapons of mass destruction, and international crisis management. The much younger AU, founded in 2002 as the successor to the Organization of African Unity (OAU), is primarily concerned with economic development (security of the stomach) and political unity. However, burgeoning threats to national security in many African countries have prompted the AU's growing emphasis on peace and security and on seeking collaboration with other organizations and developed countries to resolve conflict and achieve stability. It is within this context that AU-NATO collaboration should be understood, and that issues related to it should be examined.

These issues can be classified into two interrelated categories: general relational issues (perceptions, interests, rivalry), and questions of principle (respect for international law, mutual trust and respect,

self-determination).

General Relational Issues

Perceptions of NATO

The first general relational issue is the extent to which African perceptions of NATO differ, with some being negative and others positive. With respect to negative dispositions, these may be traced to the Cold War when there was controversy over perceived NATO involvement in the Congo. Without mentioning the Shaba operation,¹ even earlier the media in some parts of Africa – particularly the Ghanaian Times (Accra) and The Service (Lagos) – took a very serious objection to what was considered NATO complicity in the tragic years of the Congo's independence. A Ghanaian Times editorial declared that "Britain was involved, by virtue of her NATO commitments, in the callous murder of the heroic Congolese Premier, Patrice Lumumba."² Following the collapse of the former Soviet Union and the dissolution of the Warsaw Pact, it was widely thought that NATO too should be dismantled in order to bring the Cold War era to a complete close. This never happened. Many observers in Africa – particularly in Nigeria, which adopted the principle of non-alignment in foreign policy – therefore still saw (and see) NATO as a possible instrument of control bent on the domination of international politics. They may refer to NATO's bombing of the Federal Republic of Yugoslavia in 1999, without UN sanction, as a case in point. There is thus lingering caution and suspicion in dealing with NATO, particularly in the context of the fear of domination by the US, the Alliance's omnipresent member.

¹ Wikipedia, "Role of NATO in Shaba operation", in Alain Rouvez, Michael Coco, Jean-Paul Paddock, "Disconsolate empires: French, British and Belgian military involvement..." available at <http://books.google.com.ng/books?idJWWDHZKB4fEC&pg=PA296&...> (accessed on February 14, 2012).

² Arthur L. Gavshon, *The Last Days of Dag Hammarskjöld*, London, Barrie and Rockliff with Pall Mall Press, 1963, pp. 50-51.

Negative attitudes towards the Atlantic Alliance are equally fuelled by a perceived divergence between the AU and NATO in their respective definitions of national security: NATO as a solely military alliance is seen as defining it within the framework of the realist school of thought, whereas the multifaceted AU is more concerned with human security. The realist school underscores state security, arguing that international institutions generally speaking have no independent effect on state behaviour and that international relations are governed by power politics. The human security school of thought is people-centred: unlike the state-centrism underscored by the realist school, the emphasis is largely on the Japanese-initiated concern with “freedom from want” and the Canadian-initiated perspective on “freedom from fear”. While freedom from want places a premium on the physical safeguarding of individuals, freedom from fear means that they are protected from violent threats (genocide, terrorism, etc.).

Despite the West’s perceived realist orientations, positive inclinations towards NATO may also be observed. The situational reality of crisis and conflict in Africa is such that African countries lack the resources to manage these in a timely way and have to seek international assistance to do so. In this respect, the inability of the UN to enforce international peace is a major concern: it can be said that to some extent the organization does not have the means to keep the peace internationally without relying on the likes of NATO for implementation of its policy decisions. In this context, it is useful to quote the report of the UN Secretary General on the implementation of the recommendations made by the Special Committee on Peacekeeping Operations: “The African Union-United Nations hybrid operation in Darfur (UNAMID) and MONUSCO [United Nations Organization Stabilization Mission in the Democratic Republic of Congo] have experienced challenges in the implementation of their mandates, particularly in the protection of civilians and in responding to threats from spoilers. Limited consent by host Governments, divergence on

strategy by the international community and inadequate capabilities have compounded those challenges.”³ If the AU and UN face such challenges, solutions can be forthcoming only with the support of other actors. This is where NATO, to a great extent, has a role to play.

NATO and African Interests

Africa is a traumatized continent, every part or region of which is experiencing different types and scales of conflict – ranging from rebellions and insurgencies to outright conventional wars. Unfortunately, these conflicts receive scant attention from the United Nations Security Council (UNSC) because the Western world and others are often just not interested. When Boutros Boutros-Ghali was the Secretary General of the United Nations, this reality involved him in numerous disagreements with the West.⁴ Boutros-Ghali specifically criticized the Western powers and media that seek to put African conflicts off the agenda of the UN.⁵ As a consequence of this marked tendency of Western states and media to ignore humanitarian disasters looming or actually occurring in Africa, the UNSC conveniently invokes the Brahimi Committee’s recommendation that regional organizations should assume primary responsibility for conflicts in their neighbourhood. Hence the argument that there should be “African solutions to African problems” (discussed below), though it is obvious that African countries still lack the capabilities needed to address and resolve major problems or actual conflicts.⁶ Although the transformation

³ Report of the UN Secretary-General, “Implementation of the recommendations of the Special Committee on Peacekeeping Operations”, 4 January 2011, available at http://www.peacewomen.org/assets/file/PWandUN/C34/2011/BasicDocuments/pk_sgreporta.65.680_c34_2011.pdf (accessed 6 June 2012).

⁴ Fred Aja Agwu, *World Peace through World Law: The Dilemma of the United Nations Security Council* Ibadan, University Press Plc, 2007, p. 149.

⁵ *Loc. cit.*

⁶ Fred Aja Agwu, *The Law of Armed Conflict and African Wars*, Ibadan, MacMillan Nigeria, 2011, p. 344.

of the OAU to the AU was meant to change Africa's approach to peace and security in the twenty-first century,⁷ the persistent congenital lack of capacity to tackle the spread of armed conflict on the continent still remains a serious problem for the AU.

In the Congo, Somalia, Sudan (both Darfur and South Sudan), Ethiopia and Eritrea, Liberia, Sierra Leone and many other conflict zones in Africa, the African continent has long festered with crises that could have been easily contained with appropriate political will and interest in the relevant international organizations, particularly the UN. Matters have been made worse as a result of the "Somali Syndrome", following the tragic incident in which dead American Rangers from downed helicopters had their mutilated bodies dragged along the streets of Mogadishu. Since then, Western powers have been reluctant to put boots on the ground in African conflicts, preferring instead to contribute money and technical assistance while leaving Africans to contribute blood.⁸ Unfortunately, Africa is yet to see sufficient resources from the West that would enable the continent to organize and deploy troops in the continent's conflict zones.

New Rivalry Over Africa?

Prospects of future collaboration between NATO and the AU are visibly being threatened by the Indian and Chinese challenge in Africa. Alongside the Indians, the Chinese in particular have become very good Samaritans on the continent. What NATO countries will not readily and happily give, the Chinese often give Africans without strings attached. As a result, the Chinese are significantly present all over Africa.

⁷ Edward Ansah Akuffo, "Human security and interregional cooperation between NATO and the African Union", in *Global Change, Peace and Security*, Vol. 23, No. 2, 2011, p. 223, available at <http://www.tandfonline.com/doi/abs/10.1080/14781158.2011.580962> (accessed on February 16, 2012).

⁸ Fred Aja Agwu, 2011, p. 350, *op.cit.*

The implication and immediate questions to consider are: Is it possible to have improved AU-NATO collaboration that will not eventually enter into conflict with emerging AU-China and AU-India entente in Africa? Will the AU, over time, opt to collaborate more with the Chinese than with NATO on security issues? Will NATO be prepared to work in partnership with the Chinese in order to collaborate with the AU?

Questions of Principle

These questions essentially relate to those principles that Africans would like NATO and its member states to be conscious of, namely: respect for international law, mutual trust and respect, and African self-determination. Up to this point, the record has been mixed.

Respect for International Law

The recent Libya crisis constitutes a special issue in AU-NATO relations because of the misunderstanding and conflict that arose regarding the legal rationale and scope for conflict resolution in this case. There was profound unease on the continent about the form and foundation of the NATO intervention, fuelling continent-wide scepticism about Western leadership in the areas of global governance, the rule of (international) law, the status of international morality, and the future of global democracy. The incident raised doubts as to whether the coalition of Western powers which in the end led the military effort in Libya can be trusted not to instrumentalize international law and morality for their purposes and interests, and not to subvert UN procedures and the mechanisms of global governance in order to

advance hegemonic agendas and parochial “strategic” interests.⁹

On 17 March 2011 the UNSC endorsed its Resolution 1973 on Libya.¹⁰ This was based on what United States President Obama called the core principle that a potential humanitarian crisis was afoot in Libya and that “we can’t simply stand by with empty words; we have to take some sort of action.”¹¹ Ten of the UNSC members voted in favour of the Resolution, which was co-sponsored by France, Britain, Lebanon and the United States, but five (Russia, China, Germany, Brazil and India) abstained.¹² The abstention of two Permanent Members (Russia and China) clearly jeopardized the integrity of Resolution 1973, by virtue of Article 27(3) of the UN Charter. Abstention or absence of support can simply reflect a non-committal position by the Permanent Member concerned or, as in this case, be intended as tantamount to a veto.¹³ Russia and China made it clear that they never supported the imposition of the no-fly zone in the absence of a definite authority to enforce it. Permanent Representative Vitaly Churkin of Russia stated that the approval of the resolution was not consistent with the UNSC tradition since it did not specify how the no-fly zone would be enforced, by whom or with what limit of engagement. Permanent Representative Li Baodong of China abstained because he felt that the UN Charter must be respected through a peaceful solution to the Libyan crisis, China always being averse to the use of force without peaceful means to resolve a crisis having first been applied as stated in the Charter.¹⁴

⁹ Loc. cit.

¹⁰ See the Associated Press on “*US, Allies Set for Quick Military Action in Libya*”, available in http://news.yahoo.com/s/ap/20110318/ap_on_re_us/us_us_libya, accessed on 19 March 2011; and Fred Aja Agwu (forthcoming), *United Nations System, State Practice and the Jurisprudence of the Use of Force*, Second Edition, Lagos, Malthouse Press, Chapter Twelve.

¹¹ See Time, New York, April 4, p. 29.

¹² See “*UN Approves Military Force as Gaddafi Threatens Rebels*”, available at http://news.yahoo.com/s/nm/20110318/wl_nm/us_libya, accessed on 19 March 2011; see also Time, New York, 18 April, 2011, p. 27.

¹³ Fred Aja Agwu, 2005, pp. 497- 401, *op. cit.*

¹⁴ For the full text of Resolution 1973, see “Security Council Approves No-Fly Zone over Libya”, avail-

African concerns about the shaky authority by which NATO launched its bombing campaign in Libya in view of the Security Council abstentions were compounded by worry about the humanitarian pretext by which the Alliance justified its actions through reference to Resolution 1973. President Jacob Zuma of South Africa, for one, considered NATO's intervention in Libya as a ploy for regime change, rather than an action for the protection of human rights or civilian population. Media professionals were even more critical in stating that, although such interventions are carried out under the guise of concern for human rights and the protection of civilians, they effectively create the conditions for gross crimes against humanity and greater economic exploitation and national oppression.¹⁵ These statements are a manifestation of underlying African suspicion that Western interventions – whether political or military – are often counter to the principles of conflict resolution and the UN Charter. Indeed, it is thought that these interventions may offer the West the pretext to mobilize the mechanisms and procedures of the UN so as to further foment trouble on the continent and punish old foes like Gaddafi, rather than promote national reconciliation and political inclusion or democracy.¹⁶ If NATO is serious about partnership with the AU, clearly assurances to the contrary are necessary both in words and in deeds.

Mutual Trust and Respect

In the recent NATO intervention in Libya, the AU also had major difficulties with the Alliance because the two organizations clearly took positions that were at odds with each other.¹⁷ Whereas the AU favoured

able at <http://www.un.org/News/Press/doc/2011/sc10200.doc.htm> (accessed 19 March 2011); hereinafter cite as “Security Council Approves No-Fly Zone”.

¹⁵ Abayomi Azikiwe, “NATO’s Libya War Opens Door to AFRICOM”, http://www.workers.org/2011/world/libya_1006

¹⁶ Siba Grovogui (2011), *op. cit.*

¹⁷ Trevor Maisiri, *op. cit.*

a mediation process that was consistent with the principle of “African solutions to African problems”, NATO was more inclined towards a kinetic form of conflict resolution in Libya.¹⁸ Of course, there may be insinuations that “the absence of Africa from the battlefield of Libya merely suggests military ineptitude and political bankruptcy,”¹⁹ but the widespread African objections to military intervention must really be seen in the context of the longstanding tension between international organizations ostensibly representing Africa and their self-appointed leaders from the West. The AU opted for mediation and negotiation of a constitutional settlement of the Libya crisis with the aim of fostering a political approach, but was largely ignored by NATO and the Western powers.

Elisabeth Sidiropoulos²⁰ provides many explanations for the marginalization of the AU during the crisis. A major consideration is that the AU could not obtain the support of the Libyans, especially since the anti-Gaddafi elements under the umbrella of the National Transitional Council (NTC) had been given, including by certain NATO member states, international recognition as the legitimate government of Libya. This was done irrespective of the AU roadmap, which had been drawn up as early as 10 March 2011. The Arab League gave active support to UNSC Resolution 1973, which NATO considered a source of legitimacy for its intervention despite the AU’s opinion to the contrary. While Resolution 1973 makes only scant reference to the AU, it does emphasize the important role of the Arab League “in matters relating to the maintenance of international peace and security in the region”. With regard to the relative neglect of the AU in Resolution 1973, it should not be forgotten that three of its member states were part of the

¹⁸ *Loc. cit.*

¹⁹ Siba Grovogui (2011), “Looking Beyond Spring: An African Perspective on the Arab Revolt in World Order”, available at <http://www.cihablog.com/looking-beyond-spring-an-african-perspective-on-the-arab-revolt-in-world-order/> (accessed 17 February 2012); see also Fred Aja Agwu (forthcoming); Themes and Perspectives on Africa’s International Relations, Chapter One.

²⁰ Elisabeth Sidiropoulos, “Libya: A Lost Opportunity for the African Union”, *The Star Newspaper*, 31 August 2011. Sidiropoulos is National Director of the South African Institute of International Affairs.

UN Security Council: if the AU really wanted to play an active part, what prevented them from asking for inclusion of AU involvement in the resolution? Another perspective offered by Sidiropoulos is that the AU opposes unconstitutional changes of government and yet “often hesitates in condemning African leaders who use violence to obliterate internal opposition”. In other words, the AU still has the challenge of how to address the problem of “regimes that provide no real political space for opposition and political contestation.” With regard to NATO’s attitude, the Alliance did not want to rely on the AU, perceived as lacking in political will and capabilities. The West had its own interests to protect as well without the undue interference of others: oil.

The foregoing points are simply meant to explain why and how the AU was marginalized by NATO during the Libya crisis, with reasons apparent on both sides of the equation. With marginalization, however, there can be no mutual trust and respect; without these, there can be no sustainable partnership. Both organizations must therefore reflect profoundly on this episode and seek lasting solutions.

African Self-Determination

The concept of “African solutions to African problems” is increasingly a subject of interest and debate. Several African leaders have indicated great interest in handling conflict- and underdevelopment-related issues. For instance, Paul Kagame of Rwanda has noted that “the best approach is [...] to help Africans develop their capacity to deal with these problems.”²¹ Thabo Mbeki of South Africa has also underscored the critical point that “the African continent should deal with these conflict situations” and that, with regard to the Darfurian

²¹ See: www.whitehouse.gov/news/releases/2008/02/20080219-6.html (transcript of a press conference).

crisis, “we have not asked for anybody outside of the African continent to deploy troops in Darfur. It’s an African responsibility, and we can do it.” For his part, US President Barack Obama noted in his July 2009 speech that “Africa’s future is up to Africans. [...] development depends upon good governance. That is the ingredient which has been missing. [...] That is the change that can unlock Africa’s potential, [...] a responsibility that can only be met by Africans.”²²

On the other hand, the concept of “African solutions to African problems” has many interpretations and has been criticized by many Western analysts.²³ Paul Williams, for example, has advanced many reasons militating against the application of the concept: many of the so-called African problems are far from being solely African, and Africa is not at all monolithic. As William sees it, the “African solutions” approach “tends to assume that African values and interests are somehow obvious and uncontested”, whereas they are not, especially those involving threats to security; regionalization cannot be a panacea, and the founding fathers of the UN feared that “basing the UN on regional councils, as favoured by Winston Churchill, among others, would only increase the likelihood that the great powers would engage in neo-imperial activities within their regions.”²⁴

In Africa, however, the meaning of the concept seems to be different. For instance, George Ayittey has explained that he coined the expression Africa solution to Africa problems in response to the landing of US Marines and Rangers in Mogadishu on 9 December 1992:

²² George B. N. Ayittey, “An African Solution: Solving the Crisis of Failed States,” *Harvard International Review*, Fall 2009.

²³ Tim Kelsall, “African Solutions to African Problems? A Critique of Our Common Interest: An Argument,” in *Globalisations*, June 2006, Vol. 3, No. 2, pp. 248-250; Danielle Beswick, “Peacekeeping, Regime Security and ‘African Solutions to African Problems’: Exploring Motivations for Rwanda’s Involvement in Darfur”, in *Third World Quarterly*, Vol. 31, No. 5, 2010, pp. 739-754.

²⁴ Paul D. Williams, “Keeping the Peace in Africa: Why “African” Solutions are not Enough,” *Ethics and International Affairs*, Blackwell Publishing Limited, © Carnegie Council for Ethics in International Affairs, 2008, p. 316 *et s.*

The UN Security Council, in Resolution 751, authorized the establishment of the United Nations Operation in Somalia (UNOSOM). Due to the delayed arrival of peacekeepers and armed looting of relief food supplies, what began as a minor peacekeeping operation led to a deployment of 30,000 US troops to oversee and protect international humanitarian operations under the code name Operation Restore Hope. With this objective, US Marines and Rangers landed on Mogadishu beaches on December 9, 1992. But the mission, costing over US\$3.5 billion, went awry. Following the deaths of 18 US Rangers, the US pulled out of Somalia in 1993, and the United Nations followed a year later. That disaster led me to coin the expression, 'African Solutions for African Problems'.²⁵

What is particularly noteworthy is the three-point rationale for the coining of the expression. According to Ayittey, the instinct of Africans is to seek foreign solutions rather than look inwards to find them; foreign solutions do not always fit into “Africa’s unique political and socio-cultural topography and have thus failed”; and “foreign solutions often prove financially costly and take a great deal of time to implement.”²⁶

The concept, from the African perspective, is based on three sociopolitical mainstays. The first of these is principally political: Africans, by this concept, want to underscore the principle of political sovereignty and non-alignment. As one Nigerian proverb puts it, “you can’t cut a person’s hair if you haven’t got his head”. Africans want to be allowed the first option in the determination of issues directly affecting Africa. The concept also rests on a traditional approach to conflict resolution. Africans adopt a different method from Europeans

²⁵ Ayittey, *op. cit.*, p. 24.

²⁶ *Ibid.*

and Americans in the management and resolution of crises and conflicts. The traditional African approach is largely based on negotiations among the elders of communities, with an emphasis on preventive measures. The third mainstay of the concept is also related to the socio-cultural dimension. In Africa young people are never allowed to disrespect their elders, whatever the circumstances. An instruction from elders can never be disregarded. Family disputes are resolved by the head of family. In the same way, problems at community level are addressed by community leaders.

Although it is debatable whether this concept can prove a decisive solution for today's more sophisticated crises and conflicts, there is no denying that Africans want to be in charge of managing their affairs, even if they do not necessarily have the means to do so. Future collaboration between the AU and the NATO cannot ignore this factor. For NATO it means that, if the Alliance is to be seen as a credible and dependable partner of the AU, capacity-building support for African-led conflict prevention and management must receive priority. In this regard, up to the controversy over the Libyan intervention NATO assistance to the AU in addressing the crises in Darfur and Somalia, as well as in building up the ASF, provided a positive (albeit limited) starting point as explained below.

NATO support to the AU

Darfur

The Darfurian crisis provided the first basis for a NATO mission to Africa in 2005: in reply to a request for assistance from the AU, NATO agreed to provide airlift, logistics, training and related support to the AU Mission in Sudan (AMIS). Glen Segell, Director, London Security Policy Study, says that "this was the first time in NATO's history that another

regional political security alliance had requested such humanitarian assistance where there were no common member states with NATO.”²⁷

Darfur, as an issue in AU-NATO collaboration, was first raised at the level of implementation by NATO Member States. The issue was about which organization should have responsibility for implementation. NATO was the preference of the US and Canada, while France preferred the European Union (EU). The main problem with the French preference was that neither the US nor Canada are EU members. While the United Kingdom was comfortable with either the EU or NATO, Germany, the Netherlands and Norway were undecided.

The increasing pressure from Darfur prompted the decision to leave the choice of organization (EU or NATO) to individual Member States. In this regard, Segell noted: “given that the main airlift aircraft would be from the US, who is not an EU Member, it was clear that NATO would be the main airlift-supporting organization to AMIS. France used solely the EU while the UK used both the EU and NATO.”²⁸ NATO carried out the planning involved through Supreme Headquarters Allied Powers Europe (SHAPE), while the EU made use of the Strategic Airlift Coordination Centre (SALCC) at Eindhoven in the Netherlands.

The specific mandate of NATO was to: provide strategic airlift (deployment of AMIS forces into Darfur), support the UN-led Map Exercise (MAPEX), and execute the capacity-building training for the Darfur Integrated Task Force (DITF) staff and the force headquarters. To a great extent, NATO succeeded in the execution of its mandate, especially “with the first movement of Nigerian troops on 1st July.”²⁹ The mission began in mid-June 2005 and ended on 31 December 2007 when AMIS was transferred under UN leadership as the UN Mission

²⁷ Glen Segell, “The First NATO Mission to Africa: Darfur”, in *Scientia Militaria*, South African Journal of Military Studies, Vol 36, n. 2, 2008.

²⁸ *Ibid.*, p.9.

²⁹ *Ibid.*, p.11.

in Darfur (UNAMID), though the Alliance still expressed its readiness to continue supporting the AU-UN hybrid force.³⁰

Somalia

What is particularly noteworthy about the successful AU-NATO collaboration in the resolution of the Darfurian crisis is that it prompted the AU to request the Alliance's assistance for its operations in Somalia. This occurred when Ambassador Said Djinit, AU Commissioner for Peace and Security, visited NATO Headquarters in March 2007.

Specifically, the AU requested NATO's assistance for airlift of AU troops in Somalia. The assistance was needed "relatively quickly", to reinforce an AU force comprising no more than 1,600 Ugandans. As reported by Mark John at the time, "other African nations have been wary of sending more soldiers, especially after four Ugandan peace keepers were killed two weeks ago by a roadside bomb targeting their convoy."³¹ Once this NATO support line for AMISOM was established, the Alliance was very helpful in providing strategic airlift and sealift support to all AU Member States that were willing to deploy troops to Somalia within the framework of AMISOM.³² Thus, AU-NATO collaboration continued on a positive track for some time after AMIS, until major difficulties emerged over the NATO intervention in Libya as discussed previously.

ASF

The Alliance has been "providing subject matter experts for the

³⁰ *Loc. cit.*

³¹ Mark John, "African Union Seeks NATO Airlifts for Somalia, NATO", <http://reliefweb.int/node/233941>, 30 May, 2007.

³² *Loc. cit.*

AU Strategic Planning and Management Unit (SPMU), in areas spanning maritime planning, strategic planning, financial planning and monitoring, air movement coordination, logistics, military manpower management and contingency planning.”³³ In addition, NATO has been an active member of the International Contact Group on Somalia, and the NATO Senior Military Liaison Officer (SMLO) has played a very significant role in ensuring close contact between the Alliance, the AU Secretariat in Addis Ababa, donor- and troop- contributing nations in operations like AMISOM, as well as the UN and the EU – all significant partners for peace in Africa.³⁴ The ultimate goal in all of this is to achieve a long-term expansion of such AU-NATO collaboration, from the present level of enhancement or capacity-building for existing missions to the establishment and operationalization of the ASF.³⁵

Conclusion

This paper demonstrates that the AU-NATO relationship is complex, with both centrifugal and centripetal forces at play. While the two organizations are different and the relationship asymmetric, with the AU for a long time to come likely to be on the receiving end, a positive even if limited trend in collaboration began with AMIS. The Libya crisis, however, has severely tested the AU-NATO relationship, with many old fears and suspicions resurfacing. The way forward is to thus seek a better understanding of the dynamics of past relations, so as to ensure that the centripetal tendencies once more regain the upper hand. If the NATO and AU leaders want robust inter-institutional collaboration, they will achieve this. In the end, it is a function of political will.

³³ *Loc. cit.*

³⁴ *Loc. cit.*

³⁵ *Loc. cit.*; see also Trevor Maisiri (2011), “Foreign Interference in Africa: What lies ahead for the AU-NATO relationship?”, in *Africa Report*, Vol. 3, October.

The AU and NATO: What Manner of Partnership?

J. Shola Omotola

Introduction

The AU-NATO “partnership” has developed on the basis of Atlantic Alliance support for AU missions and capacity-building in the spheres of peace and security.¹ Beginning in 2005, NATO has offered different forms of assistance to the AU for implementation of the African Union Mission in Sudan (AMIS), the African Union Mission in Somalia (AMISOM), the United Nations Hybrid Operation in Darfur (UNAMID), and the African Standby Force (ASF).² The Atlantic Alliance’s latest intervention in Libya, ostensibly to implement UN Security Council Resolution (UNSCR) 1973, has been more controversial. At best, NATO’s response to the Libyan crisis has been described as an example of its credible commitment to the protection of human rights and the maintenance of international peace and security in support of the UN.³ At worst, it has met with charges of disproportionality, even illegality, and a blatant disregard for the authority and initiative of the AU to pursue conflict resolution in Africa.⁴

¹ See “NATO Assistance to African Union Missions”, Speech by Secretary General Jaap de Hoop Scheffer at the Kofi Annan International Peacekeeping Training Centre, Ghana, 19-21 November, 2008, <http://www.nato.int/docu/speech/2008/s081120a.html> (accessed 15 February, 2012).

² Glen Segell, “NATO Policy in Africa: Initiated in Sudan, Continued in Libya”, in *Strategic Insight*, Vol. 10 (3), pp. 28-38.

³ Glen Segell, *ibid.*

⁴ Herbert Zharare, “Africa: AU Security Organ Slams NATO Over Rights Abuses”, 26 May 2011, <http://allafrica.com/stories/201105261264.html> (accessed on 15 February, 2012).

This paper critically examines prospects for the AU-NATO relationship in the perspective of recent history. It argues that, while cooperation between the two has enabled Africa to respond to some crucial security challenges (as in Sudan and Somalia), NATO's recent Libya intervention shows not so much a genuine partnership as a one-way dependency open to exploitation or abuse. This situation will remain as long as the core sustaining attributes of partnership – mutual dependency and normative rules – are absent from the relationship. To address these dual deficiencies, a number of remedies are proposed.

Understanding Partnership

Generally partnership may be understood as an agreement between two or more parties regarding specific spheres of jurisdiction. More specifically, however, partnership entails the following:

1. a long-term commitment, reflecting a condition of *mutual dependency* where both [parties] are in a position to influence each other by their behaviour;
2. a set of *normative rules* determining what behaviour is permissible and what constitutes a violation of trust. The rules are designed to facilitate exchange in a situation otherwise open to exploitation.⁵

What this suggests is that partnership requires reciprocity and commonly agreed guiding principles by which to manage relations. The guiding principles should address, among others, issues

⁵ As quoted in J. Harris, "Working Together: The Principles and Practice of Cooperation and Partnership" in Robinson, D., Hewitt, T.; and Harriss, J. (eds) *Managing Development, Understating Inter-Organisational Relationships*, London, Sage Publications, 2000, p. 228 (emphasis added). For a related perspective with respect to new regionalism in Africa, see J. Shola Omotola, "The Challenges of Development in Africa: Globalisation and New Regionalism", *World Affairs*, Vol. 14 (2), Summer, April-June, 2010, pp. 22-46. And for a slightly modified version of the paper, see J. Shola Omotola, "Globalisation, New Regionalism and the Challenge of Development in Africa", *Africana*, Vol. 4 (1), June 2010, pp. 102-135.

concerning congruence of mission, values, distinctive competencies, accountability and transparency.

With this definition of partnership in mind, the next part of the paper considers the extent to which both core attributes are evident in the AU-NATO relationship. The question of mutual dependency is considered first.

Mutual Dependency?

The propensity for reciprocal influence has been grossly imbalanced, making the relationship more a dependency than a partnership. The reality is that the African continent is begging the West, cap in hand, to support its African Peace and Security Architecture (the APSA) while the AU continues to await payment of membership dues by a number of its member states. Couched in diplomatic language, the AU has intensified its search for foreign aid, capabilities and expertise from outside the continent, particularly in confronting Africa's deepening security challenges. The relationship with NATO is indicative. Until NATO's involvement in Libya to implement UNSCR 1973, NATO's intervention in African security affairs had been predicated upon official requests for assistance by the AU. This was particularly the case in Sudan, where the AU, after years of protracted conflict, in 2005 requested NATO's collaboration in dealing with the situation. In response to the request, NATO agreed in June 2005 to provide airlift, logistics, training and related support to AMIS, which was deployed to the Darfur region on humanitarian grounds.⁶ The operation lasted until December 2007.

The relative success of the NATO experiment with AMIS instigated

⁶ Glen Segell, "*The First NATO Mission to Africa: Darfur*", <http://www.ajol.info/index.php/smsajms/article/viewFile/42653/9521> (accessed 15 February, 2012).

further requests from the AU, including the expansion of AU-NATO cooperation into new areas such as long-term capacity-building support.⁷ Ever since, NATO has continued to be a strategic partner for the AU in its search for sustainable peace and security on the continent. This is exemplified by the following timeline of activities and collaboration between the two bodies:⁸

- **2005 (June)** – NATO accepts request by the AU to assist in AMIS, after a written request in April the same year. NATO's aims are to assist the AU by coordinating strategic airlift and staff capacity-building.
- **2005 (July/August)** – The North Atlantic Council agrees to assist in the transport of civilian police to Darfur, at the request of the AU. NATO airlift and training of officers begins.
- **2005-2007** – NATO assistance to the AU in Sudan is extended several times until the end of AMIS.
- **2006 (November)** – NATO reaffirms its support to the AU, and its willingness to broaden this support.
- **2007 (March)** – The AU Commissioner for Peace and Security (Said Djinnit) advocates greater AU-NATO cooperation, including an expansion into new areas and long-term support.
- **2007 (June)** – NATO agrees to assist the AU in AMISOM, following AU requests in January and May the same year. The assistance includes providing airlift support and has been extended several times, most recently until February 2009.

⁷ NATO Documents, *African Union Looks to Long-Term Cooperation with NATO*, <http://www.nato.int/docu/update/2007/03-march/e0302a.html> (accessed 22 January, 2012).

⁸ NATO Documents, *NATO Assistance to African Union Missions*, 8 April 2008, http://www.nato.int/cps/en/natolive/news_8306.htm?selectedLocale=en (accessed on 15 February, 2012). See also Glen Segell, *ibid.*

- **2007** (September) – The North Atlantic Council agrees to provide assistance to the AU with an assessment of the readiness of ASF brigades.
- **2007** (December) – NATO receives and accepts a *Note Verbale* request from the AU to continue supporting the development of the ASF.
- **2007** (December) – AMIS is completed and therefore NATO's assistance is terminated.
- **2008** (January) – NATO meets requests from the UN and AU to assist with UNAMID, which succeeds AMIS. NATO assists through strategic airlift and training for AU peacekeepers and civilian police.
- **2008** (June-December) – Two NATO experts are assigned to assist AMISOM for a six-month period in the AU Strategic Planning and Management Unit (SPMU), covering the areas of air movement coordination and military manpower management.

Despite this catalogue of cooperation, it is clear that the dependent party in the relationship is Africa, not NATO. This tendency is inimical to the effectiveness and sustainability of any AU-NATO partnership over the long term, and at worst makes the relationship open to abuse by the dominant party.

Such abuse arguably manifested itself in NATO's recent intervention in Libya to implement UNSCR 1973, calling for a no-fly zone and allowing "all necessary measures" in order to protect civilian population.⁹ On 11 May 2011, at the 4th Annual Joint Consultative

⁹ See "Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions", <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm> (accessed on 28 May 2011).

Meeting¹⁰ of the Peace and Security Council of the African Union (AU PSC) and the Political and Security Committee of the European Union (EU PSC) in Addis Ababa, both the AU and EU “reaffirmed their commitment to the implementation of UN Security Council Resolutions 1970 and 1973 on Libya to ensure the protection of the civilian population in Libya”. They also acknowledged that the AU Roadmap contained key components of a political solution and looked forward to the upcoming meeting of the UN, the AU, the EU, the League of Arab States and the Organization of the Islamic Conference to discuss the next steps in achieving this solution. Despite these commitments, and Africa’s call for a ceasefire, NATO did not deem it fit to respect the position of the AU. Instead, it continued to launch attacks on Libya until the extra-judicial murder of Muammar Gaddafi.

South Africa’s President Jacob Zuma, for one, has lamented how NATO “completely ignored” the AU peace plan for Libya in favour of bombing.¹¹ Zuma insisted that in future the “African Union’s views must be listened to if we are to strengthen our relationship and prevent conflicts”. He also added that “there must be no return to Cold War tactics, when Africa was a “playground for the rival sides battling for influence.”¹² This perspective on NATO’s intervention in Libya is shared in many circles on the continent. It feeds the impression that, “Africa is treated, by and large, as a client, a consumer, rather than as a major stakeholder, not only in the conceptualisation of the global security agenda, but also in the search for solutions and the dialogue that inform/shape those solutions, even when Africa is the most affected by specific security problems.”¹³ The overarching sense

¹⁰ “Peace and Security: African Union and European Union Meet in Addis Ababa (16/05/2011), http://www.eeas.europa.eu/delegations/african_union/press_corner/all_news/news/2011/20110516_02_en.htm (accessed on 28 May 2011).

¹¹ Africa News, “S. Africa Slams Security Council over Libya Crisis”, http://www.terradaily.com/reports/S_Africa_slams_Security_Council_over_Libya_crisis_999.html (accessed 15 February, 2012).

¹² *Ibid.*

¹³ J.Shola Omotola, “*Toward an Africa Voice in the Global Security Dialogue*”, mimeo, Institute for

is of one subordination, rather than mutual dependency. Without the latter, however, there can be no sustainable AU-NATO partnership.

Normative Rules?

If the second core attribute of partnership is a set of normative rules to avoid violations of trust and exploitation, the Libya episode would suggest its absence in AU-NATO relations. This is readily borne out by closer investigation into the codified basis for the relationship.

As mentioned earlier, until NATO's engagement in Libya the Alliance's military involvement on the continent was instigated on the basis of case-by-case requests from the AU, usually through a *Note Verbale*. However, there is no mutually agreed overarching guidance which sets down principles to govern the relationship. This stands in contrast to agreements like the 2007 "Africa-EU Partnership on Peace and Security."¹⁴ While NATO has made a unilateral effort to articulate a number of principles, the relevant document is classified and for internal purposes only – hardly complementary to a genuine partnership. The AU appears even less progressive in this regard. As far as cooperation with international organizations is concerned, its "Solemn Declaration on a Common African Defence and Security Policy (SDCADSP)" focuses almost exclusively on AU-UN relations.¹⁵ It should also be noted that the official AU website does not even acknowledge NATO as a partner, let alone set down operational tenets to manage relations with it.

The need for an AU-NATO memorandum of understanding to

Peace and Security Studies (IPSS), Addis Ababa University, Ethiopia, 2011. The paper has been accepted for publication by the *Ibadan Journal of Peace and Development Studies*, Vol.1 (1), 2012.

¹⁴ Council of the European Union, "*The Africa-EU Strategic Partnership: A Joint Africa-EU Strategy*", Lisbon, 09 December 2007, 16344/07, Presse 291.

¹⁵ African Union, "*Solemn Declaration on a Common African Defence and Security Policy*", 28 February 2004.

better structure relations was mutually identified soon after AMIS. Yet, negotiations have dragged on for years. There are many reasons. On the African side, there are arguably lingering political sensitivities about being seen as too close to what is perceived in many quarters as a US imperialist or colonial-dominated organization, or one bent solely on military solutions to conflict. Libya has only served to exacerbate these obstacles. On the NATO side, there is probably concern with other priorities such as Afghanistan, or uncertainty about how to align the Alliance's support to pan-Africanism within the AU framework with its longer-standing bilateral relations in North Africa through the Mediterranean Dialogue. Whatever the reasons for the absence of a strategic framework document, this means that the small NATO military liaison staff in Addis Ababa has not shared the diplomatic status enjoyed by the representations of most other international organizations in the city. For the AU, the absence of such a strategic framework document means no guarantee of structured political dialogue and consultation the next time a Libya-type crisis emerges. In short, it means there can be no sustainable partnership.

Towards a Sustainable AU-NATO Partnership

For the AU-NATO security collaboration to succeed, both African and NATO leaders must place greater emphasis on understanding the core attributes of partnership at a deeper level than merely rhetorical references to the concept. As noted earlier, the most salient elements of partnership include a condition of mutual dependency and the common articulation of normative rules. The final section of this paper identifies a number of steps which should be taken to address the evident deficiencies in AU-NATO relations in both these respects.

First, to reach a state of mutual dependency the AU itself must do more to resource itself as a credible security actor alongside the

likes of NATO, with the political clout and capability required to address conflict resolution collaboratively in the interests of Africa. While interregional security collaboration has become an important and acceptable platform of promoting global peace and security,¹⁶ this should not be pursued in a way that will diminish the sovereignty and prestige of any individual party. This is why the AU needs to be much more proactive and inward-looking in its search for a predictable and sustainable peace process in Africa. If this is to be realistic, Africa must devise alternative but reliable means of “funding African Union peace support operations, including the African Standby Force, taking into account the Union’s own financing mechanisms and special conditions when it is undertaking peace support operations under the authorization of the United Nations.”¹⁷ The establishment in July 2011 of an African Union High-Level Panel on Alternative Sources of Financing, under the chairmanship of former President Olusegun Obasanjo of Nigeria, is a step in the right direction.¹⁸ Furthermore, all member states should begin to pay their dues to the AU regularly and promptly, to comply with “the traditional African principle and value of equal burden sharing and mutual assistance” upheld in Article 12 of the 2004 Draft Framework for a Common African Security and Defence Policy. In addition, African leaders must devise sustainable means of addressing the evident crisis and contradictions of governance on the continent. Such contradictions manifest themselves in the form of electoral corruption and violence. Worse still, they emerge through the trend for unconstitutional changes of government, including constitutional amendments for tenure elongation, and refusal to hand over power by incumbents after defeat by opposition forces in an election. These developments not only serve to undermine African state capacity to respond to the critical needs of society, but

¹⁶ Edward A. Akuffo, “Human Security and Interregional Cooperation between NATO and the African Union”, in *Global Change, Peace and Security*, Vol. 23 (1), June 2011, pp. 223-237.

¹⁷ United Nations Security Council, *Report of the Secretary-General on United Nations-African Union cooperation in peace and security*, S2011/805, dated 29 December, 2011.

¹⁸ United Nations Security Council, *Ibid.*

also provide viable justifications for conflict. In addition, they portray Africa as a continent incapable of handling its own internal affairs without external interventions by dominant and exploitative powers. Adequate resourcing and good governance are what Africa needs to build AU capacities, in order to earn the respect of other regional blocs and states within the international system.

On NATO's part, entering into a state of mutual dependency with the AU means taking greater care to recognize the added value that Africa may bring to conflict resolution on the continent beyond military means alone. As Professor Christopher Daniels argues elsewhere in this volume, this means tapping into AU regional knowledge – both political and cultural – before, during and after conflict. It also means redoubling efforts to enter into routine, structured political dialogue with AU bodies.

Finally, in terms of establishing a normative basis for AU-NATO relations, both should urgently conclude a memorandum of understanding. If not as comprehensive as the aforementioned AU-EU security partnership, the document should at the very least be reflective of the UN-NATO Joint Declaration of 2008. It should, therefore, define shared values and operating principles such as mutual respect, transparency and accountability, as well as frame some of the practical areas and means for cooperation.

Concluding Remarks

The above analysis reveals that, in their present form and character, AU-NATO relations are not founded on the sustaining qualities of partnership. They have to date been lopsided, with Africa appearing to be on the receiving end in a relationship of dependency and even exploitation. Specifically, the stated aim of NATO's intervention in

Libya was to implement UNSCR 1973 to protect civilian populations, but its actions actually generated significant disaffection and mistrust within the AU family vis-à-vis NATO. On both sides, therefore, efforts will have to be redoubled to restore trust and confidence so as to set the relationship on a sustainable path for the future and avoid similar regressions. For Africa, this means a reform process that will facilitate democratic states' developmental and political stability. In this way it will be possible to propel legitimate state authority, resources and capacities across Africa through the bodies and instruments of the AU, sometimes working alongside external actors like NATO. For NATO, it means appreciating the AU as a credible emerging security actor with unique political and cultural insights into African affairs. For both sides, it means the need for rapid conclusion of a memorandum of understanding to articulate mutually agreed principles, clearly defined jurisdictions and a *modus operandi*. Only then will a genuine AU-NATO partnership emerge.

5

Prospects for AU-NATO Cooperation

Markus Kaim

Introduction

AU-NATO cooperation is at present a shallow project. Both organizations are far from establishing and implementing a robust and comprehensive strategic partnership, as the following brief overview illustrates.

Cooperation started in 2005, when NATO supported the AU Mission in Sudan (AMIS I and II) with airlift and technical assistance until late 2007.¹ During this time, NATO and the EU struggled to coordinate their political, logistical and financial assistance to the AU and were entangled in a duplication of efforts and inter-organizational competition. Coordination appeared clearly dysfunctional and inefficient. While the EU and NATO were blamed for their inability to harmonize their efforts, the AU was reproached with not adequately communicating its needs.

NATO shifted its focus from Darfur to Somalia when AMIS was transformed into a joint AU-UN operation (UNAMID) and when the AU launched its operation in Somalia (AMISOM). Against the backdrop of the “web of crises” in Somalia and the broader region, NATO has

¹ Alexia Mikhos, “NATO’s Support for the AU Mission in Sudan. A Case Study of NATO’s Transformation”, in May-Britt Stumbaum et al. (eds.), *Security Challenges in Times of Change*, Berlin 2007, pp. 35-42; Andrea Charron/ Benjamin Zyla/ Jane Boulden, “NATO, the EU and Darfur: Separate but Together”, in Peter Schmidt (ed.), *A Hybrid Relationship: Transatlantic Security Cooperation beyond NATO*, Frankfurt 2008, pp. 147-160.

been providing strategic airlift, sealift and expertise to AMISOM since 2007. This support has included close cooperation between NATO and Burundi, one of the main troop contributors to AMISOM. In addition to its work in association with AMISOM, NATO has sought to address one of the most prominent symptoms of the political, economic and humanitarian crisis in Somalia: piracy. A first short-term counter-piracy operation was carried out between October and December 2008 (Operation Allied Provider); since then NATO has stepped up its efforts in the fight against piracy, establishing close cooperation with the EU's naval operation (EU NAVFOR) and the navies of other states. In line with its overarching goal of increasing maritime security in the Gulf of Aden and the Indian Ocean, NATO has focused on the deterrence and disruption of pirate attacks and the protection of vulnerable vessels. It has been escorting vessels of the UN's World Food Program (WFP) over the past four years and will continue to do so for the foreseeable future. In this capacity, NATO is also cooperating with AMISOM and the troops of Somalia's Transitional Federal Government – which are the main security providers in Somalia and seek to control the flow of WFP deliveries inside the country. NATO is also a member of the International Contact Group on Somalia, a US-led initiative which was long focused on Western consultations and has only recently been opened to a greater involvement of African states and organizations. It remains to be seen whether and how NATO will play a political role in the process that is currently leading to an end of the political transition phase in Somalia. Security, piracy, terrorism and international cooperation were four of the main aspects that were discussed at the international conference on Somalia on 23 February 2012. The ball is now in NATO's court if it wants to contribute to new initiatives, for instance in the areas of maritime capacity-building or other aspects of security sector reform.

As a third initiative (which has been carried out at the request of the AU), NATO pledged to support the AU's general capacity-building

efforts in the area of rapid crisis response. It has been supporting the development of the African Standby Force (ASF) since 2007, again with an emphasis on financial and technical support. The AU invited NATO to assess the overall operational readiness of the ASF and its five regional brigades. Both the AU and NATO have thus expressed their interest in focusing on long-term cooperation in the area of capacity-building – at least on paper. Cooperation to date, however, appears somewhat vague and sporadic.

Relations between the AU and NATO deteriorated drastically against the backdrop of the Libya crisis and NATO's intervention. These developments affected the perceptions of AU and NATO member states in a rather negative way. NATO member states perceived the AU as too weak in terms of strategic guidance and political will. In addition, different NATO member states suggested that the AU's capacity to act was further compromised by a lack of robust and interoperable capabilities, by an absence of flexible and sustainable funding patterns, and by an inability to formulate a coherent position. All this added to the image of the AU as incapable of swift, principled and robust response to crises. By avoiding putting pressure on Colonel Muammar Gaddafi, the AU was perceived as too detached from reality and too biased to act decisively.²

NATO's approach, on the other hand, was perceived in many quarters on the continent as unwelcome interference in African affairs. For most AU member states, it evoked memories of the colonial era and was considered imperialist behavior outside NATO's responsibility to intervene. Others maintained that NATO's intervention was an "unnecessary war", due to the UN resolution being wrongly implemented (i.e. no provisions for regime change). Especially South Africa³, Zimbabwe and Rwanda lamented the fact that the AU's

² "African Union Opposes Warrant for Qaddafi", *The New York Times*, 02-07-2012.

³ Eusebius McKaiser, "Mind the U.N.-A.U. Gap", *The New York Times*, 18-01-2012.

mediation efforts were completely ignored by NATO when there was a clear preference for a negotiated settlement among AU member states. The AU's Peace and Security Council made it clear from the start that they strongly opposed any external military intervention, including a no-fly zone.

Given this modest start to – and recent distrust in – the AU-NATO relationship, it is important for students of international relations to consider its future prospects as a viable contribution to the maintenance of international peace and security. This is no easy task. In general, international relations theorists are not in agreement regarding the conditions under which international organizations pursue enhanced coordination so as to achieve policy convergence and synergy, particularly in the area of crisis management. It is also difficult to identify the conditions under which efforts towards inter-organizational cooperation are half-hearted or completely lacking – often leading to duplication, redundancies and a failure to solve problems. Nevertheless, not only from a theoretical perspective but also from a policy point of view it is important to attempt to identify the factors which enable or hinder closer cooperation between international organizations in crisis management. Such factors serve to manage expectations about the breadth and depth of inter-organizational cooperation.

In focusing on such factors in the context of AU-NATO relations, the remainder of this paper is divided into three parts. First, it considers NATO's general experience in crisis management over the past 20 years as a guide to prospects for its future involvement in Africa and engagement of the AU. Second, it examines the implications of resource dependence for inter-institutional collaboration in the perspective of AU-NATO relations. Third, it discusses some concrete steps for future cooperation, albeit with careful consideration of expectations management based on the preceding two sections of the paper.

1. NATO's Crisis Management Experience

To a significant degree prospects for AU-NATO collaboration and Alliance engagement in Africa will arguably turn on the conclusions NATO member states draw from two decades of out-of-area engagement by the Alliance. Currently, there is growing “appetite suppression” on both sides of the Atlantic for further expeditionary operations, and this can be expected to influence NATO's role in crisis management for years to come. Involvement in Africa will be no exception. A period of twenty years, which could be described as an age of “*liberal interventionism euphoria*”, has just come to an end. Instead, skepticism and reluctance with regard to crisis management in general dominate public opinion and the thinking of decision-makers in the majority of NATO member states. The reasons for this and the resulting dynamics are diverse and complex, as explained below.

A. *Lack of Success and Sustainability*

First, it is important to recognize that NATO's crisis management operations around the globe have in the past generally been smaller and more limited than in Afghanistan, for example. A review of NATO's 18 out-of-area crisis management missions in the past twenty years reveals that in only three – Bosnia-Herzegovina, Kosovo, and Afghanistan – did the Alliance engage in a full-fledged military intervention followed by an extensive state-building effort. All other cases, whether in Europe, the Middle East, or Asia, had a much more limited character: NATO either provided training and capacity-building, conducted surveillance missions, or assisted in humanitarian relief.⁴ Hence, the record reveals an historic reluctance to become involved in long-term engagements with a complex set of political goals to be attained and a diverse mix of instruments to be used. This general reluctance is mainly related to shifting strategic cultures in most European societies, which have

⁴ For an overview see http://www.nato.int/cps/en/natolive/topics_52060.htm

enjoyed peace and security for more than sixty years. As a result of stable and functioning security institutions in the Euro-Atlantic area, they have become ever more risk-averse in the realm of international security management. Following NATO's post-2014 withdrawal from Afghanistan, consolidation of its traditional role of collective defense for its member states is likely, irrespective of the rhetoric in the 2010 Strategic Concept about crisis management as a core Alliance task.

The lack of political will for large-scale expeditionary missions has been reinforced by the fact that the three mentioned above have met with limited success. Even after years of tremendous military and civilian engagement, the situation remains fragile. Bosnia's political system still suffers from severe ethnic tensions. Kosovo is not even recognized by all NATO member states and recently witnessed clashes between ethnic Serbs and Kosovars in the north, with NATO soldiers caught in-between. Afghanistan is nowhere close to the self-sustaining security purportedly to be assured after 2014. This is in spite of NATO's 130,000-strong military operation there for almost one decade. Using this record as a guide, limited – and not large-scale – involvement by NATO in Africa can be expected.

B. Shrinking Budgets

The appetite suppression for large-scale expeditionary operations is further exacerbated by budgetary constraints in almost all NATO member states as a result of the European debt crisis. Although the full repercussions for national budgets are as yet unknown, the downward trend for defense budgets has begun. In recent years, total NATO European spending has declined to only 1.6% of GDP, well below the 2% guideline suggested by NATO leaders and far below the U.S. level of more than 4%. Overall, European defense spending currently totals about €210 billion annually. Yet, only about €45 billion of the total is available for investment – well below the amount needed to

transform European militaries for new missions. In coming years, Britain's defense cuts could total as much as 20% by 2014-2015, and Germany and France plan to reduce their defense budgets by about 6% through 2013. Italy, Spain, and Portugal are preparing significant cuts, with other NATO countries likely to follow suit. At this rate, European defense spending could fall by as much as 10-15%.⁵ Such developments will further affect the Alliance's willingness to contemplate large-scale involvement in African crisis management. Even during its recent Libyan intervention, the signs were evident when a number of NATO member states opted out of Operation Unified Protector.

C. Institutional Crisis and Introspection

Finally, influenced by the limited success of former and current large-scale NATO missions as well as the current financial crisis, Western security institutions like NATO face an institutional crisis. Contrary to the political rhetoric about NATO being the cornerstone of its member states' national security policies, the Alliance's status as a security community and the dominant forum for transatlantic consultation and cooperation is no longer taken for granted. NATO and the EU are seemingly more and more preoccupied with their own internal dynamics and reforms, and less attuned to the security challenges that lie beyond the immediate Euro-Atlantic area. This is not indicative of isolationism of the kind witnessed in the US during the first half of the 20th century, but of an introspective period – particularly in Europe. This is likely to affect NATO's operations and partnerships, resulting in diminished concern with Africa.

⁵ Christian Mölling/ Sophie-Charlotte Brune, "The Impact of the Financial Crisis on European Defence" Study requested by the European Parliament's Subcommittee on Security and Defence, Brussels. 2011.

2. Drivers of Cooperation: Resources Matter

In general, international organizations are notoriously reluctant to accept constraints on their autonomy. The obstacles to meaningful inter-organizational collaboration in crisis management are great, because it compromises the decision-making capacity and operational autonomy of international organizations and national governments. But if external resources are considered essential and cannot be substituted or acquired differently, significant efforts at inter-organizational cooperation in crisis management are likely to result. An argument can be made that international organizations will undertake strong efforts to cooperate if they perceive a high level of resource dependence. Resource dependence is high if the organizations regard the provision of external resources as necessary for goal attainment and if they lack feasible alternatives to cooperating with each other in order to obtain the required resources. Required resources can be material, such as military capabilities, equipment, logistics support and personnel with specialized knowledge. They can also be symbolic, such as legitimacy in the eyes of different audiences.⁶

Given the above, NATO and the AU will undertake low-to-zero efforts to cooperate if each organization perceives that the other's resources are inessential or open to substitution. Changes in the perception of resource dependence might alter the scope and extent of inter-organizational cooperation. However, existing cooperative structures will remain inefficient and dysfunctional, if only one organization is interested in closer cooperation and hence steps up its efforts. Instead, mutual resource dependence is one crucial precondition for closer and effective AU-NATO inter-organizational cooperation. To date, however, as J. Shola Omotala documents elsewhere in this volume, the resource dependence has been grossly one-sided, with the

⁶ Michael Harsch, "The Power of Dependence: NATO-UN Cooperation in Crisis Management", Ph.D. Thesis. FU Berlin, 2011, pp.30ff.

AU the dependent party. Beginning with AMIS in 2005, it has always been the AU in need of – and requesting – logistical support and military expertise from the West. When NATO directly intervened in Libya, there was no requirement for AU military support. Despite the enhanced legitimacy for the operation that engagement of the AU could arguably have yielded, the Alliance turned instead to the Arab League. Should this imbalanced situation remain, a robust and comprehensive AU-NATO partnership should not be anticipated.

3. Prospects and Recommendations: What is the Way Ahead for NATO in Africa?

Given the factors outlined above, the question is how AU-NATO cooperation might unfold in the years to come. Two trends seem to be certain. First, taking the structural constraints into account, NATO and its member states will probably pursue a low-key approach towards African security, including engagement of the AU. Second, when the Alliance does become involved its role will be practical, supporting and issue-oriented, with direct interventions even on the scale of the Libya operation being the exception rather than the rule.⁷

With these tempered expectations in mind, the following suggestions can be made for future areas of cooperation between the two organizations:

Enhanced support to the ASF: If NATO is serious about its commitment to the ASF and to AU capacity-building initiatives in general, it should adapt its support to requirements and seek closer coordination with all actors involved. The extensive focus on training and technical advice has often blurred shortcomings in other areas (capability gaps, especially the provision of military hardware but also

⁷ Jeffrey H. Michaels, NATO after Libya. Alliance Adrift, in *RUSI Journal* 156(6), pp. 56-61.

civilian capabilities). The timeline for the further operationalization of the ASF is tight: the overall goal, as formulated in December 2010, is to achieve limited Rapid Deployment Capability (deployment of two regional ASF brigades at any time within 14 days) by the end of 2012 and Full Operating Capability by 2015.

Capacity building in the regions: Within the framework of its support to the ASF, NATO could seek closer cooperation with the Regional Economic Communities (RECs), especially the North Africa Regional Capability (NARC), which is responsible for the development of the Northern ASF brigade. Capacity building efforts in Northern Africa have been thrown back by recent developments in the region, and would benefit from enhanced financial and technical support.

Capacity-building beyond the ASF: NATO should also build capacities and share best practices in the area of post-conflict reconstruction and conflict prevention. The Alliance could thus suggest supporting the further development of the African Peace and Security Architecture, in a field which has to date been neglected. One example would be a NATO naval training center, which already has been discussed. It could facilitate capacity building of partnered nation naval forces, foster the professionalization and capabilities of naval forces and, finally, enhance the interoperability between and among the Alliance and regional partners.

Commitment to Somalia and the region: NATO should enhance its cooperation with the AU, the Intergovernmental Authority on Development (IGAD), East African states and other key players (Arab League, EU, UN), with a view to supporting security sector reform in Somalia and the broader region. This would serve to build on what NATO has already done to shape emerging patterns of maritime governance in East Africa, as part of a push to a stable transition.

Exchange of lessons learned: NATO should seize the initiative and suggest new platforms for inter-organizational learning. It could synchronize its lessons-learned reviews of past operations with the AU, discuss current and future requirements, and cooperate in the area of scenario-building.

Supporting and leveraging AU political legitimacy: NATO should become a more vocal and active advocate of the goals of pan-Africanism in step with the EU, recognizing and leveraging the enhanced political legitimacy the AU can offer its involvement (even if limited) on the continent. This would go some way towards rectifying the resource dependence imbalance and move the AU-NATO relationship closer to a genuine partnership.

Political dialogue and improved coordination: None of these efforts will, however, work without NATO stepping up its efforts for political dialogue with the AU institutions and its member states, and making a deliberate effort at improved coordination with other security actors in the region. One helpful initiative would be to strengthen ties between the North Atlantic Council and the AU's Peace and Security Council. Another would be for NATO member states to discuss with other actors such as the RECs, EU, US Africa Command (US AFRICOM), the Arab League and the UN what they expect of the AU, and their respective support for its development as a credible security actor on the international scene.

Forging and Charting a Judicious and Realistic Partnership: Rethinking the Interfaces between the African Union and NATO¹

Kumbirai Hodzi

Introduction

Peace and security is all about the presence or absence of relationships or partnerships.

In the post-Cold War era the relations of all the key players and actors have changed, reflecting the fundamental alteration of international peace and security. This development relates not only to the changing nature of conflicts and the increased focus on security, but also to various initiatives taken by the dominant players and actors to institute an effective peace and security regime. The end of the Cold War presented a remarkable opportunity for unprecedented cooperation in the international arena, unhindered by ideological and political differences.¹

The adage in international relations that organisations and nations choose to fight or cooperate with each other for purposes of safeguarding interests and affirming their respective values has proved appropriate in the post-Cold War era. Many former Soviet Bloc states have joined in the fight for the preservation of liberal democratic values – a role

¹ This paper also recognises the emergence of Africa's other strategic partnerships, such as the following: the Africa-Indian Forum Summit, the Africa-Europe Summit, the China-Africa Cooperation Forum (South-South), and the Africa-South America Cooperation Forum (South-South).

that has long been central to NATO's broader mission.²

Recognising the central role of judicious and realistic partnerships as a precondition for moving the global peace and security agenda forward is now at the heart of international relations. Indeed, the main reason for the survival of NATO has been this realisation. NATO's transformation, especially since the end of the Cold War, has been characterised by a series of radically new initiatives—concrete, highly practical responses to the new security challenges and opportunities of the changed security environment. These include the Partnership for Peace, special relations with Russia, the Ukraine and Georgia, the Mediterranean Dialogue, the Membership Action Plan, as well as cooperation with the European Union, the Organization for Security and Cooperation in Europe and the United Nations. NATO has further demonstrated its adaptability by addressing evolving security challenges in the post-Cold War context, beginning with crisis management in the Balkans and continuing with the fight against terrorism and other new threats beyond the Euro-Atlantic area.

The African Union (AU) too has carried out an extensive array of radically innovative initiatives. It has introduced huge normative changes on the continent unimaginable during the Cold War era. These changes are most powerfully expressed in the areas of peace and security, human rights, democracy and intervention. In order to ensure that it has the operational and institutional muscle to realise its agenda for continental peace and security, the AU has begun to develop a range of capabilities: intelligence and information gathering; conflict prevention, management and resolution mechanisms; early warning systems; and standby and rapid reaction units. At the heart of these initiatives are the principles of multilateralism and partnership.

Both NATO and the AU have recognised the need to chart out

² See Daniel I. Gruen, *"NATO: Membership, Operations and Enlargement"*, Nova Science Publishers, 2012)

and foster a “partnership for peace” as part of their respective transformation processes, beginning with Atlantic Alliance support to the AU in 2005. The recent Libya crisis has made that imperative all the more compelling.

What occasioned the serious disagreement which erupted recently between the AU and NATO was the implementation of UNSC Resolution 1973, and the approach adopted by the Alliance towards the creation of a democratic Libya. The AU favoured a negotiated settlement, in which all the parties would be represented even if the Gaddafi regime was brought down. On the other hand, the newly formed National Transitional Council (NTC)—which benefited from NATO intervention—aspired to total control and kept prevaricating on the question of its commitment to the AU’s Roadmap for a peaceful settlement.

The situation resulted in a deterioration of relations between the AU and NATO, as well as between the AU and some NATO states, with a general worsening of contacts at diplomatic, official and institutional levels. However, the entire episode could easily have been avoided by carefully calibrating and coordinating decisions, communications, actions and policies. *What the so-called furore between the two organisations shows is a lack of a careful interfacing of relations, from the topmost decision-making organs to the tactical level.*

The Libya episode is only the most recent example of the frustrating cycle in which relations between Africa and the West have developed: a thawing of relations accompanied by high hopes and ambitions followed by a setback or alarming collapse, only for relations to be “reset” after some interval until the next relational crisis. This cyclical relationship is a tragedy, in that it has entailed a plethora of missed opportunities which could have taken both the West and Africa onto a new plane.³ The challenge therefore is to break it and place

³ The lows in the relationship are usually triggered by minor and tangential issues, making any prospect

African relations with the West on a positive, sustainable trajectory. The potential is clearly there. Jack Cilliers has elegantly argued that Africa and the West are bound by many ties, and that the two regions require each other despite the unfortunate history of colonialism and neo-imperialism.⁴ Indeed, the West and Africa have already come to depend upon each other in multilateral institutions, working together to establish cutting-edge norms as regards human rights, international cooperation, democracy, development and other current issues. The development of the “Responsibility to Protect” doctrine would not have been possible without the cooperation of Africa and the West. In addition, the establishment of the International Court of Justice was predominantly dependent on African leadership and support.⁵

The 2009 Cairo address by US President Obama set out key requirements in terms of resetting the relationship between the West and the rest of world on a sustainable path for the future.⁶ Accordingly, President Obama’s message should be one of the building blocks for developing a lasting and resilient AU-NATO relationship in the aftermath of the Libya episode.

President Obama was correct to point out that perceptions are just as important as concrete exchanges in international relations, and that the global agenda for the peace and security of all peoples is best advanced in a setting of judicious and realistic relations based on mutual respect, equality of partnership, tolerance and the respect of human rights.

of working together totally out of the question. In addition, recalcitrant African leaders have developed some expertise in triggering artificial crises in the relationship with a view to protecting their own parochial interests. Careless European leaders have walked into this trap by rather injudicious choice of language and actions.

⁴ Jakkie Cilliers, “Africa in the new world: how global and domestic developments will impact by 2025”, *ISS Monograph 151*, Pretoria: Institute for Security Studies, 2008, 99–101.

⁵ See Du Plessis, M., “Seeking an international criminal court” in *South African Journal of Criminal Justice*, 3, 2002.

⁶ Although President Obama was specifically addressing the Islamic world, the blueprints for cooperation which he set out are applicable to all international relationships.

Resetting the Relationship between Africa and the West for a Sustainable Partnership: Shared Values and Mutual Interests

The relationship between the AU and NATO should be based on the identification and articulation of shared values and mutual interests to provide a forceful and consistent narrative explaining the rationale for NATO's presence in Africa.

It is the argument of this paper that the AU, with the adoption of its Constitutive Act, has explicitly and categorically agreed to be bound by the liberal democratic values that NATO is founded on. In the preamble to the North Atlantic Treaty, NATO's founding members state that: "They are determined to safeguard the common freedom, common heritage and the civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."⁷ These are the values which sustain democratic systems, and which the AU Constitutive Act also aspires to uphold. The AU-NATO partnership should be positioned as critical to safeguarding them as well.

By the same token, the presence of NATO in Africa should be explained as leading to a qualitative increase in security and peace, and the strengthening of the rule of law and democracy. NATO is not a military threat to the AU and its citizens. The Alliance should take measures to counter the jingoistic propaganda used by some of the political leaders who are opposed to it, and their tendency to portray it as a war machine capable of crushing all resistance and imposing its military and political will. NATO should emphasise that it is a rule-based organisation and that, essentially because security can no longer be defined in purely regional terms, it has abandoned the fundamentally Euro-centric focus of the past in favour of a more

⁷ Preamble of the Washington Treaty, 1949.

outward-looking perspective focused on the projection of stability well beyond Europe.

Compounding the complex relationship between Africa and the West is the apparent tendency of some of the authoritarian and anti-democratic African leaders to exploit emotive issues of the past, such as slavery, colonialism and imperialism, in an attempt to camouflage their own incompetence and failings.⁸ However, Africa should resist such tendencies. It should reset relations with the West on a sustainable, forward looking foundation, by making the crucial psychological break from the tendency to exploit past sufferings as a justification for backsliding and for camouflaging the failures of its leadership. Africa should learn from President Obama when he states that “we can’t go back and change history, but we can still shape our future”.

The necessary foundation for any meaningful and lasting cooperation between NATO and the AU should be a relationship based on genuine and mutual respect, shared values and interests, and an open and truthful exchange of ideas and information. Improved relations between the AU and NATO will allay long-standing concerns over the Alliance’s presence in Africa, meaning that the AU will no longer desire to attenuate NATO’s role in continental peace and security. A meaningful relationship in international relations presupposes the achievement of meaningful dialogue between the organisations concerned and agreement on the same interpretations of commitments. Africa desperately wants to be taken seriously and be regarded as part of the global family, and not a mere object for discussion or pity. One way of respecting this wish is to show confidence in Africa’s ability to help find solutions to its current problems, treating it as a partner among equals rather than as a second-class citizen in the international community.

⁸ The relationship has been put to the full test by the fact that each time authoritarian and anti-democratic leaders such as President Robert Mugabe of Zimbabwe are called to account by the West, they reply with accusations of imperialism and a host of other historic wrongs.

Managing Relations: The Problem of the Different Means of Action within the AU and NATO

The problem of the AU as an organisation is that a fair number of its members still have authoritarian and dictatorial regimes which merely pay lip service to the liberal democratic values of the AU Constitutive Act. At the same time, the AU's institutions and executive bodies are still weak. Many of them, such as the Peace and Security Council and the African Standby Force (ASF), have not really advanced beyond the stage of "a work in progress". The AU is still clumsily slow to act and has not yet implemented the ground-breaking policies that it has adopted over the last decade. It is still extremely understaffed, and critically lacking in coordination with the actions and decisions of its member states.

On the other hand, NATO is the dominant player in contemporary international security. This is because it has major diplomatic and strategic—and, more importantly, military and operational—resources. NATO is simply the most extraordinary politico-military alliance in history, showing not only remarkable longevity, adaptability and agility as a military organisation, but all the characteristics of a strong, open system. Its members are cohesive in that they are all bound by well-defined systems of values, aims and perceptions. Its practice of open and democratic debate has contributed to the strengthening of its built-in ability to adapt, and thus to its survival. NATO arguably is the only multilateral institution in which members have full confidence and trust. Its capabilities are robust and effective, and can be mobilised at very short notice.

This dichotomy between the two organisations has at times created tensions within the AU and provided opportunities for those who oppose any Western presence in Africa. Indeed, some AU member states will always have a negative knee-jerk reaction to any initiative that involves

closer cooperation with the West. They are fortunately in the minority, but nevertheless capable of paralysing any movement towards cooperation between the AU and Western institutions. In not carefully calibrating its responses and coordinating with President Jacob Zuma of South Africa, mandated by the AU to end the Libyan crisis, the Alliance gave its more authoritarian and reactionary opponents within the AU an opportunity to regroup and denounce the NATO intervention as neo-colonialist and imperialist domination. A more purposeful and strategically judicious partnership would make it far easier to manage this problem.

Building Critical Interfaces

The tensions between the AU and the NATO over the Libyan engagement are unfortunate given that both organisations professed to be fundamentally seeking the same results. It is also particularly regrettable that these differences were allowed to proliferate. What this illustrates is a disturbing and cavalier treatment of intelligence and diplomacy by both institutions. At a deeper level the tensions demonstrate an institutional failure by organisations which are supposed to have invested heavily to avoid this type of malfunction. Given the vast array of potential problems and crisis triggers, the management of AU-NATO relations requires careful integration at all levels of political decision-making and policy formulation so that implementation and cooperation can be achieved throughout the chain of command—from the strategic to the tactical level.

This concluding section therefore proposes a number of critical interfaces to build a judicious and sustainable partnership for the future starting at the political level. They should not be taken as cast in stone, mutually exclusive or an exhaustive list of options. Rather, they could take on various configurations, as long as their mandates, aims and objectives remain clear. The chief objective of these bodies must

be to ensure proper and clear lines of communication, and the use of every tool in the diplomatic arsenal with a view to a realistic AU-NATO partnership.

AU-NATO Forum

The Libyan crisis showed serious lack of coordination and consultation by key political players on both side—Western leaders like President Barack Obama of the US, President Nicolas Sarkozy of France and Prime Minister David Cameron of the UK, as well as African Heads of State and Government like President Jacob Zuma of South Africa, Prime Minister Meles Zenawi of Ethiopia and President Goodluck Jonathan of Nigeria. At the highest political level, NATO and the AU should establish something like a Heads of State and Government Forum where key players consult with a view to coordinating their decisions and actions. This could include annual or periodic AU-NATO summits.

AU-NATO Council

The AU and NATO should establish an AU-NATO Council. This body should be modelled on the NATO-Russia Council (NRC), established in 2002, and should have the same broad mandate as a mechanism for consultation, consensus-building, cooperation, as well as joint decision-taking and action. Within this AU-NATO Council, the individual NATO and AU member states should work as equal partners on a wide spectrum of security issues of common interest. The purpose of the AU-NATO Council would be to serve as one of the principal structures and venues for advancing the AU-NATO relationship.

The Council should be in permanent session, in both Addis Ababa and Brussels. It should have the power to determine its own working methods, but should operate on the basis of consensus. It should seek to promote continuous political dialogue with a view to early identification

of emerging problems, determination of common approaches, development of practical cooperation, and conduct of joint operations where appropriate.

Liaison Office

The existing NATO liaison office in Addis Ababa should strengthen its capacity with specific resident expertise on Africa. It should also work to facilitate intelligence exchange. Over the longer term, the office's status and profile should be upgraded based on a specific AU-NATO agreement clearly spelling out its mandate so that it is no longer susceptible to cavalier or dismissive treatment.

Inter-institutional Coordination Office

The Inter-institutional Coordination Office should be the centre for the coordination of issues between NATO and the AU with all other relevant institutions, such as the UN and the EU. This office should in particular ensure that mandates, agreements and charters are properly interpreted to the satisfaction of all parties concerned. In this context, it is important to remember that it was the interpretation of UN Security Council Resolution 1973 which caused most of the misunderstanding between the AU and NATO on the Libyan question.

Operational Coordination Office

This office should have the mandate to formulate and oversee the implementation of all operational strategies of joint AU-NATO military missions. It should not only act as the interface for the exchange of intelligence on a number of subjects, but also oversee and coordinate the training of selected AU member states' military units (including the ASF). Finally, it should be in charge of achieving interoperability among different national armies.

Bilateral Interfaces

NATO should take on a more robust role in the democratic consolidation of states, both those that are genuinely democratic and those that are fragile. The Atlantic Alliance should work to ensure that relatively stable democracies such as South Africa, Ethiopia and Nigeria continue to modernise selected military units and make them interoperable with those of NATO. This would provide a positive political signal of a NATO commitment to respect and empower Africa, and would also help to promote greater long-term political stability and regional security.

Civil Society

The provision of platforms where relevant civil society actors, academics, media, and think tanks from both NATO and AU member states can discuss issues related to the institutional partnership is vitally important, particularly in an African context. Africa has shown that non-state actors including Civil Society Organizations (CSOs), Non-Governmental Organizations (NGOs) and Trade Unions play a far more important role in the furtherance of the agenda for peace, security and democracy than some governmental institutions due to the severe dislocation of some regimes from the people and their concomitant lack of legitimacy. Civil society organizations have been critical in two vital respects: first, in the provision of intellectual leadership and strategic direction as regards policy formulation, transparency and accountability, and; second, in the mobilisation of constituency involvement and resources. The AU's Constitutive Act legitimizes the intervention of civil society in its peace and security agenda, while the African Common Defence and Security Policy (ACDSP) speaks of civil society's valuable role. NATO needs to acknowledge and actively engage this vital element of security policy formulation in Africa.

Conclusion

NATO has had a long history of managing potentially explosive conflicts since its formation sixty years ago. It has successfully negotiated the complex evolution towards its present status as an Alliance of democratic nations, carefully managing the transition of the Greek military junta and the Portuguese military dictatorship into democratic regimes. It has weathered some turbulent events, and has withstood major external and internal strains.

The geopolitical interests of Africa and Europe alike, and the commitment of the AU to African integration, will be far better served when all parties concerned establish an effective and workable mechanism, with clear mandates, command structures and operating procedures, to further their goals.

NATO (together with the EU and US AFRICOM) will thus need to further the agenda of peace and security by closer cooperation with members of the AU which value democracy and those officers and officials charged with progressing the Africa Peace and Security Architecture (APSA). Improving AU-NATO relations will entail building lines for open and clear communication at every level. The starting point will be at the highest political decision-making level, followed by the ambassadorial level, and then at the various operational and tactical levels of the two organisations.

The misconceptions and the misunderstanding between the AU and NATO over Libya should be addressed in a judicious and constructive manner in order to build the basis for a lasting partnership embodying all the elements which President Obama called for during his seminal Cairo address.

Critical Alliances for Africa's Future: AU-NATO Cooperation and the Implementation of the African Peace and Security Architecture

Christopher L. Daniels

The bold intervention of the North Atlantic Treaty Organization (NATO) in the Libya crisis captured the world's attention and helped bring a decisive end to the reign of one of Africa's longest-serving heads of state. NATO's ability to act quickly in contrast to the often protracted debates within the United Nations (UN), has led some to believe that this mission should be used as a model for future military interventions on the African continent. Others have nevertheless argued that NATO acted too aggressively, ultimately undermining the authority of the African Union (AU) and its efforts to broker a peaceful solution to the conflict.

Apart from this recent controversy, the AU and NATO have an established relationship. This is reflected in the support NATO gives to the implementation of the African Peace and Security Architecture (APSA), designed to create the institutional infrastructure needed as a basis for the AU to apply "African solutions" to conflicts on the African continent. NATO has provided critical logistic support for the AU's inaugural peacekeeping missions in Sudan and Somalia, nothing to say of its active involvement in the international community's antipiracy efforts off the Somali coast.

To ensure that the AU-NATO relationship remains positive and mutually beneficial, this paper advocates a new protocol to govern

inter-organizational ties based on lessons learned from previous engagements and past peacekeeping efforts on the African continent. NATO support to the Regional Economic Communities (RECs), particularly the regional brigades of the African Standby Force (ASF), is posited as the most promising way in which to balance the apparent increased willingness of the Alliance and its member states to play an active role in African conflict resolution, with the African states' concerns over sovereignty and territorial integrity and interest in continental solutions to security problems. The roadmap presented is intended to lay the basis for a long and harmonious relationship between the AU and NATO, and for increased security on the African continent.

AU-NATO Cooperation in Sudan

The first AU-NATO collaborative effort occurred during the African Union Mission in Sudan (AMIS). This, the AU's first collective peacekeeping operation, was launched following accusations that the Sudanese government was funding armed militias to commit acts of genocide against its citizens in Darfur. Despite the worldwide outrage sparked by the genocide, Western nations were unwilling to send their own nationals into Sudan to stop the fighting. In the absence of the world's foremost military powers' willingness to intervene in Sudan, the AU deployed AMIS. From its inception, AMIS faced a plethora of challenges, many of which stemmed from the complex dynamics of the fighting in Darfur.¹

On 8 April 2004 the Humanitarian Ceasefire Agreement (HCFA) was signed in N'djamena (Chad), with hopes that it would end the conflict. This agreement between the Justice and Equality Movement (JEM), the

¹ Amanda E. Grzyb ed., *The World and Darfur: International Responses to Crimes Against Humanity in Western Sudan*, Ithaca, McGill-Queen's University Press, 2009, p. 11; Preben Kaarsholm, *Violence Political Culture & Development in Africa*, Athens, Ohio University Press, 2006, pp. 92-93.

Sudan Liberation Movement/Army (SLM/A) and the government of Sudan was to serve as the precursor to the deployment of AMIS. The objectives of the mission were to ensure compliance with the HCFA, help create a secure environment for the delivery of humanitarian relief, and facilitate the return of refugees and internally displaced persons.²

In July 2005 NATO began to airlift AMIS troops from the various contributing nations to strengthen the mission in Darfur. NATO also deployed personnel to Nairobi to help provide logistics training to the countries taking part in the mission. As shown in Figure One, from 2005 through 2008 NATO provided airlift to 31,500 troops deployed in Sudan.³

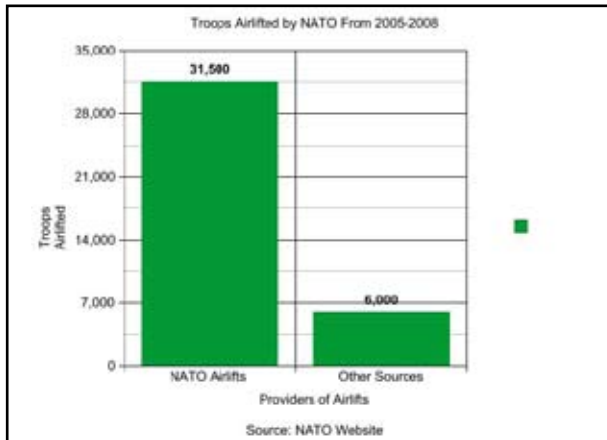


Figure 7.1: Troops Airlifted by NATO into Sudan

NATO also assisted with the training of the 250 AMIS officers at the mission's three headquarters. Though AMIS faced challenges during

² *Ibid*, 187; Jok Madut Jot, *Sudan Race, Religion, and Violence*, Oxford, England, One World Press, 2007, pp. 262-263.

³ Jok Madut *Ibid*, p. 264; Amanda E. Grzyb ed., *International Responses to Crimes Against Humanity in Western Sudan*, p. 11; Seth Appiah-Mensa, AU's Challenges in Darfur: Challenges and Constraints, *African Security Review* Vol. 14, n. 2, pp. 8-9; "NATO Starts Airlifting African Union Troops to Darfur" July 1, 2005, [online] http://www.nato.int/cps/en/natolive/news_21497.htm?selectedLocale=en; "NATO Supporting African Union's Mission," February 1, 2008, [online] http://www.nato.int/cps/en/SID-DC78C419-909AD45F/natolive/news_8306.htm?selectedLocale=en

its inaugural deployment, the cooperation between NATO and the AU can be considered a success. NATO's logistical support helped make the deployment of troops in the remote areas of Sudan's Darfur region possible, and the training it provided enhanced the human capacities of AMIS' contributing nations. These successes were built and expanded upon during the AU's next mission in Somalia.

AU-NATO Cooperation in Somalia

Somalia has been victimized by almost continuous violence since the collapse of its central government in 1991. There has been constant fighting between warlord factions, with no one gaining clear control of the nation until the rise of the controversial Union of Islamic Courts (UIC). In December 2006, Ethiopia mounted a fierce aerial and ground offensive that forced the UIC to retreat from Mogadishu into Southern Somalia. During this time Al-Shabaab, formerly the military wing of the UIC, became an independent terrorist organization and led the fight against the unpopular presence of Ethiopian troops and the Transitional Federal Government. With the long history of tensions between Ethiopia and Somalia, Al-Shabaab was easily able to garner support for fighting against Ethiopian troops and it eventually became necessary to replace them with an international peacekeeping force.⁴

On 20 February 2007 the United Nations Security Council unanimously voted to adopt Resolution 1744, which provided the authorization for AMISOM. Part of the mandate for the mission was to ensure that all of the major stakeholders in the Somali national reconciliation process were protected, including members of the government, leaders of clans and religious groups, and members of civil society. AMISOM was made responsible for providing protection

⁴ John Stevenson, *Losing Mogadishu: Testing U.S. Foreign Policy in Somalia*, Annapolis, Naval Academy Press, 1995, 43-98; Gatachew Metaferia, *Ethiopia and the United States: History Diplomacy and Analysis*, New York, Algora Publishing 2009, pp. 135-142.

to humanitarian workers, and the mandate also lifted the arms embargo on Somalia. The mission was originally composed of 5,217 AMISOM troops from Uganda and Burundi - in the case of Burundi, the first peacekeeping effort in the country's history.⁵

On 7 June 2007, NATO agreed to provide strategic airlift to AU member states deploying troops. Individual Alliance countries such as the United States through Africa Command (AFRICOM), have also played a critical role in providing support to the overall effort. For instance, it sent members of the 86th Contingency Response Group to train the Burundian forces on how to plan for all aspects of deployment, and provided air transportation for them to enter Mogadishu. US-based contractors such as Dyncorp also played a critical role in providing logistical support. In March 2010, Dyncorp deployed 1,700 Ugandan troops into Mogadishu and removed 850 others from the city.⁶

NATO has also provided maritime assistance to the mission in Somalia, through strategic sealifts. These efforts have included the escorting of AU vessels carrying critical supplies for the peacekeepers. In addition to the maritime support, NATO has also provided experts in specific fields to work with the AU's Strategic Planning and Management Unit. This support from NATO and its member states to AMISOM has helped the peacekeepers achieve several key victories, making the AU-NATO partnership in Somalia another example of positive cooperation between the two organizations.⁷

⁵ United Nations Security Council, Security Council Authorizes Six Month African Union Mission in Somalia, *United Nations*, 20 February 2007; Erin Dorrance, Airmen Assistant Burundi's First Ever Deployment, *African Central Command*, December 2009.

⁶ "NATO Agrees to Support AU Somalia Mission," June 15th 2007 [online] http://www.nato.int/cps/en/SID-764EF62A-F42A7FE7/natolive/news_7767.htm?selectedLocale=en ; Erin Dorrance, Airmen Assistant Burundi's First Ever Deployment, *African Central Command*, December 2009; "NATO Provides Airlift Support to African Union Mission in Somalia (AMISOM)," May 18th 2010 [online] <http://www.aco.nato.int/page27220646.aspx>

⁷ "NATO Agrees to Support AU Somalia Mission," June 15th 2007 [online] http://www.nato.int/cps/en/SID-764EF62A-F42A7FE7/natolive/news_7767.htm?selectedLocale=en

NATO's Intervention in Libya

The latest and unquestionably most controversial NATO operation on the African continent was the Libyan intervention. On 26 February 2011 the United Nations placed its first set of sanctions on Libya in reaction to the regime's crackdown on anti-government protests. Though the resolution endorsed "the condemnation of the Arab League, African Union and the Secretary General of the Organization of Islamic Conference" in response to human rights violations occurring within Libya, as time passed the violent clashes between rebels and government forces continued. It thus became apparent that more aggressive action would be needed against the Libyan regime.⁸

Gaddafi's stature on the African continent and long tenure in office made it extremely challenging to obtain consensus for a military intervention. Additionally, some Western nations were apprehensive about initiating another military campaign in a predominately Islamic nation because of fears of a possible backlash. A breakthrough came on 12 March 2011, when an emergency meeting of the Arab League in Cairo approved the implementation of a no-fly zone over Libya. Following this monumental decision the UN Security Council passed Resolution 1973, authorizing member states to "take all necessary measures" to protect civilians. The United States took the lead in this respect, launching Operation Odyssey Dawn. From 19 to 31 March the US struck several targets within Libya with Tomahawk missiles, in an attempt to eliminate the government's military capabilities.⁹

⁸ United Nations Security Council, "Resolution 1970" February 26, 2011, [online] <http://www.icc-cpi.int/NR/rdonlyres/2B57BBA2-07D9-4C35-B45E-EED275080E87/0/N1124558.pdf> (accessed February 12, 2012).

⁹ Arthur Bright, "Arab League Approves No-Fly Zone in Libya," *The Christian Science Monitor: Terrorism and Security*, March 13, 2011 [online] <http://www.csmonitor.com/World/terrorism-security/2011/0313/Arab-League-approves-no-fly-zone-in-Libya.-But-is-it-too-late> Accessed February 7, 2012; United Nations Security Council, "Resolution 1973," March 17, 2011[online] <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm> Accessed February 7, 2012; Jim Garamone, "Coalition Launches Operation Odyssey Dawn", March 19th, 2011, [online] <http://www.defense.gov/news/newsarticle.aspx?id=63225> (accessed February 7, 2012).

NATO's initial involvement in the Libyan crisis consisted of using its naval assets to enforce an arms embargo and prevent mercenaries from entering the country from the sea. On 31 March, NATO took complete control of operations under the name Operation Unified Protector. After consultations with member states, it was determined that the mission would continue until all attacks on civilians ended, Gaddafi's forces returned to their bases and Gaddafi allowed humanitarian agencies full access to the country. In mid-2011, NATO officials met with representatives from various regional organizations, including the European Union, the League of Arab States and the AU to discuss efforts in support of post-conflict Libya.

Once rebels were able to successfully take control of Tripoli in August 2011, NATO Secretary General Anders Fogh Rasmussen announced that "the UN and the Libyan contact group" would take the lead in post-conflict rehabilitation efforts. In September 2011, the UN Security Council passed Resolution 2009, which established a UN mission in Libya. On 20 October 2011 Gaddafi was killed near the town of Sirte and, the following day, NATO announced the decision to conclude its mission on 31 October. This date marked the end of NATO's intervention in Libya, but the controversy surrounding the operation continues to this day.¹⁰

¹⁰ "NATO & Libya: Operation Unified Protector", NATO, 13 January 2012 [online] http://www.nato.int/cps/en/natolive/topics_71652.htm (accessed 8 February 2012); Josh Rogin, "Libyan Contact Group to Meet Thursday in Istanbul," *Foreign Policy*, 22 August 2011 [online] http://thecable.foreignpo23y.com/posts/2011/08/22/libya_contact_group_to_meet_thursday_in_istanbul Accessed 8 February 2012; "Libya's Leader Col. Muammar Gaddafi Killed Says NTC", *BBC News*, October 20, 2011 [online] <http://www.bbc.co.uk/news/world-africa-15389550> (accessed 8 February 2012).

Key Events in the 2011 NATO Libya Intervention	
Date	Event
February 26	UNSC Resolution 1970 Passed
March 12	Arab League Approves Proposal for No-Fly Zone
March 17	UNSC Resolution 1973 Passed
March 19	US Launches Operation Odyssey Dawn
March 23	NATO Launches Operation Unified Protector
August 22	Libyan Rebels Gain Control of Tripoli
October 20	Libyan Leader Muammar Gaddafi Killed
October 31	NATO Ends Mission in Libya

Figure 7.2: Key Events in the 2011 NATO Libyan Intervention

The Future of AU-NATO Relations

In order for the relationship between the AU and NATO to continue as a mutually beneficial arrangement, careful steps will be needed so as to adopt an appropriate roadmap for the way ahead. The concluding portion of this paper suggests the establishment of a systematic approach to AU-NATO cooperation, with its focus on the priorities outlined within the APSA.

Enhancing the Role of Regional Economic Communities

Regional Economic Communities (RECs) have proved to be effective first responders to conflicts in several instances, including interventions by the Economic Community of West African States (ECOWAS) in Liberia (1990), Sierra Leone (1997), Guinea Bissau (1998) and Ivory Coast (2000). In each of these cases quick action by the appropriate REC helped mitigate the impact of the civil unrest. These actions were also supported by the international community, carrying out the groundwork for African-led solutions to internal conflicts. Figure 7.3 specifies the intervening REC, the international support for the mission, and the ultimate outcome of each intervention. In each case the REC's leading role resulted in either the establishment of a permanent UN peacekeeping force in the nation concerned or

the timely solution to the unrest. Each of these efforts was applauded internationally and undoubtedly saved the lives of citizens within the nations involved.¹¹

Liberia (1990)	ECOWAS/ECOMOG	UN Resolution 866 (1993)	Establishment of UNOMIL
Sierra Leone (1997)	ECOWAS/ECOMOG	UN Resolution 1132 (1997)	Restoration of Elected Government
Guinea-Bissau (1998)	ECOWAS/ ECOMOG	UN Resolution 1216 (1998)	Restoration of Elected Government
Ivory Coast (2000)	ECOWAS	France; UN Resolutions 1527 and 1528 (2004)	Establishment of UNOIC

Figure 7.3: Results of Previous REC-Led Interventions

In Sudan and Somalia, the REC at the forefront was the Intergovernmental Authority for Development (IGAD). IGAD was able to use its intimate knowledge of the dynamics of the conflicts within its immediate region to establish intervention plans in conjunction with the AU. Once the plans were established and coordinated, NATO provided the logistical support outlined earlier in this paper. On this basis, the schematic flow diagram below outlines a proposed protocol for solving security problems. It begins with the investigation of the problem and development of a probable solution by the appropriate REC, followed by coordination between the REC and AU as regards implementation and the solicitation of international support for the endeavor.

¹¹ Jeremy Levitt, "Pro-Democratic Interventions in Africa", in *Wisconsin Law Journal*, Vol. 24 n. 3, 2007.

Problem → REC Investigation & Solution → Coordination between AU & REC → International Support for Mission

This approach is in line with the AU's desire to create vertical and horizontal coordination with the RECs through the APSA. This is a proven method of conflict resolution, and should be replicated in other African conflicts.¹²

However, there are two principal challenges with this approach: speed of deployment, and the unclear chains of command created by including multiple governing bodies. Coordinating the actions of three entities (RECs, AU, international community) can be a time-consuming process and, at the height of brutal conflicts, delays can lead to increased casualties. The long-term solution to this issue is the full operationalization of regional ASF brigades which could be rapidly deployed in crisis situations. NATO could provide logistical and technical support, to help ensure the readiness of these regional brigades.

Establishing the proper chain of command and identifying who is the appropriate authority to consult are challenging concepts in AU member states. There are eight officially recognized RECs on the continent, and several countries have multiple memberships. Complicating matters even further is the fact that some African countries are members of regional governing bodies such as the League of Arab States, which do not fall under the aegis of the AU. In the case of the Libyan intervention, it was the League of Arab States that was consulted by NATO and which endorsed the implementation of the no-fly zone. Launching a mission of such size and significance without the blessing of the relevant regional bodies, in this case the Arab Maghreb Union and the AU, not only angered many but also

¹² "African Peace and Security Architecture, 2010 Self-Assessment Study", in *The African Union*, November 2010.

threatened the prospects for long-term success.¹³ In the future, such controversy can be avoided by putting in place a mutually agreeable framework for constant contact between the relevant REC, AU, and international community in a given crisis.¹⁴

Conclusion

The relationship between NATO and the AU has enormous potential to be a positive force for peace if properly coordinated. The ideal area of collaboration would be in the development of the regional ASF brigades. Operationalizing these in conjunction with a well established early warning system could help quell conflicts before they escalate into all-out warfare. Keeping the level of violence low makes it possible to create space for negotiating teams such as the Panel of the Wise to broker a settlement between the belligerent actors.

The world's increased interest in African affairs is a welcome phenomenon, but it must be placed within the context of the growing significance and capabilities of African-based institutions. The concept of "African solutions to African problems" is not just a slogan, but is truly the only way of achieving sustainable peace on the African continent. NATO's continued support for the implementation of the ASPA is the ideal way to achieve its objective of a more peaceful and stable Africa, while respecting the AU's desire to solve more of the continent's problems internally.

¹³ "Regional Economic Communities", The African Union [online] <http://www.au.int/en/recs> (accessed 13 February 2012).

¹⁴ "Regional Economic Communities", The African Union [online] <http://www.au.int/en/recs> (accessed 13 February 2012).

PART 2

LESSONS FROM
LIBYA

8

The 2011 NATO Military Intervention in Libya: Implications for the African Union

Kay Mathews¹

Introduction

Libyan dictator Muammar Gaddafi was captured and gruesomely killed by rebels — profiting from NATO intervention — on 20 October 2011, effectively ending the seven-month-long foreign military intervention in Libya. At the time of writing the country is, however, facing a more serious crisis. There is no democratic tradition to help the people establish a parliamentary system and a strong responsive government as the new authorities attempt to assert their control. A great deal of sophisticated military hardware is still at large. The danger is that Libya might fall into the hands of militant Islamists, or even become another Somalia. Regional divisions also persist. There are reports of efforts by foreign oil companies to steal a march on their rivals. Systems of command and control have been heavily damaged. The country has suffered huge loss of life and widespread destruction of infrastructure.

An unmistakable sense of trauma marked the African response to the intervention and forcible regime change in Libya. Many questions remain unanswered. What lessons can Africa learn from this traumatic

¹ The author visited Libya in May 2002 a member of an invited high-level Indian Delegation which held extensive discussions with Colonel Gaddafi on international issues, focusing on the need for increased Third World solidarity.

experience? What does the episode reveal about the application of the doctrine of Responsibility to Protect (R2P)? Was it really the fight for human rights and democracy that explains NATO's intervention in Libya, or was it more a question of geopolitics and geoeconomics based on oil revenues and similar considerations? Many feel that what happened in Libya was not a revolution like those in Egypt and Tunisia, but a coup d'état orchestrated by external forces with NATO contributing under the pretext of humanitarian intervention. And what of the fact that Gaddafi had given up his weapons of mass destruction as part of a move to legitimize his status, but was nevertheless confronted with regime change? The civil war and NATO intervention in Libya have also led to considerable debate regarding the role and reaction of Africa's leading regional peace and security organization, the African Union (AU). What is the relevance of the principle of "African solutions to African problems"? An attempt is made in this paper to provide some answers to these questions by analyzing the dynamics, dimensions and implications of the civil war and NATO's military operation in Libya.

The 2011 Libyan Civil War

The 2011 Libyan civil war, also referred to as the Libyan revolution or the Libyan uprising, was an armed conflict between forces loyal to Gaddafi and rebels seeking to end his dictatorship. The success of the uprisings in Tunisia and Egypt provided fresh impetus to the movement. A protest about deteriorating living conditions in Libya was not unexpected. Organized demonstrations began on 17 February in Benghazi. These escalated to such an extent that armed revolt and civil war ensued throughout the country. The root of the problem was the simple fact that Libya's huge oil wealth was not used to establish an equitable society and a democratic government. The protests became a rebellion that soon spread across the country, with anti-Gaddafi forces establishing an interim governing body, the National

Transitional Council (NTC). There were a number of factors feeding discontent in Benghazi. One group, however, claims to have lit the fuse that created the explosion. The group concerned, known as the “Abu Salim Families”, consisted mainly of relatives of those who were massacred in Tripoli’s notorious Abu Salim Jail in June 1996. Rebel strongholds in Cyrenaica were subjected to air and artillery attack. With the rebellion gaining momentum, the Libyan state disintegrated as key figures in the higher echelons of government and the military deserted Gaddafi to join the rebels. The crucial factor, however, was arguably the combination of internal opposition and outside support. Without this, the enforced regime change in Tripoli in October 2011 would have been unlikely.

On 17 March 2011, while the fighting continued, the United Nations Security Council (UNSC) voted to authorize military intervention (the establishment of a no-fly zone). Threatened by the NATO air raids on his heavy armour, his air force and his command and control centres, Gaddafi made a tactical withdrawal from Benghazi and distributed arms among the civilian population. External military intervention in Libya started on 19 March 2011, when a multi-state coalition led by NATO began operations to implement UN Security Council Resolution (UNSCR) 1973, passed just two days earlier in response to the events which had occurred during the Libyan uprising. Proposed by France, Lebanon, and the UK, this resolution was approved by ten members of the UNSC, including three non-permanent African members: Gabon, Nigeria and South Africa. Five countries (Brazil, Germany and India, together with permanent members China and Russia) abstained from voting.

Humanitarian Intervention and the Responsibility to Protect (R2P)

Humanitarian intervention may be defined as a “military intervention in a state, without the approval of its authorities, and with the purpose

of preventing widespread suffering or death among the inhabitants. It is understood as referring only to coercive action taken by states, at their initiative, and involving the use of armed force, for the purpose of preventing or putting a halt to serious and wide-scale violations of fundamental human rights, in particular the right to life, inside the territory of another state.”² Military interventions in Africa, often justified on humanitarian grounds, however, have commonly been used by foreign powers – particularly during the Cold War era – to pursue their parochial national interests, prop up local despots and perpetuate “spheres of influence.”³

The main problem with humanitarian intervention is related not so much to the lack of consensus in defining the concept as to rather more contentious issues such as the legality and legitimacy of an intervention. In addition, if the principle of humanitarian intervention is just, under what circumstances can it be justified? The interpretation of humanitarian intervention in the framework of international law and relations has, indeed, proved controversial.

When NATO forces struck against Muammar Gaddafi’s military outside the rebel stronghold of Benghazi in March 2011, they were acting in accordance with the doctrine of R2P. According to this doctrine, barely a decade old and embraced by the UN only in 2005, a country’s government can be held accountable for failing to ensure the well-being of its citizens. However, the key issue is whether nations ever have the right or duty to intervene in the affairs of others with military force if necessary. The idea that they do was developed in its modern form during the break-up of former Yugoslavia, when many thought that armed force was the only way to end terrible

² Roberts, Adam, “Humanitarian War: Military Intervention and Human Rights, in *International Affairs*, Vol. 69, No.3, July 1993, p. 426.

³ Buchanan, Allen, “Reforming the International Law of Humanitarian Intervention” in J.L. Holzgrefe and Robert O. Keohane (ed.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, 2003.

atrocities. At the World Summit in 2005, the UN adopted this as a norm in international relations, referring to it as R2P—in other words, the possibility of armed intervention when a state proves unable or unwilling to prevent grave human rights violations. Opinion on the matter will surely continue to be sharply divided, with some arguing that international forces can prevent or end great wrongs while others object that intervention is based on the inconsistent application of fuzzy principles and amounts to little more than imperialism dressed in a cloak of bleeding-heart piety.

From experience it is clear that this principle will indeed be applied selectively. Human rights violations in Libya prior to the NATO operation can by no means be seen as an isolated case. In Africa serious breaches of human rights have been taking place in many countries such as Sudan, Somalia, the Democratic Republic of the Congo, Eritrea and Zimbabwe, but there has not been talk of applying R2P. It must also be understood that only some nations will ever join a robust intervention force, which limits the situations in which intervention is in practice possible. Modern interventions are typically the affairs of Western powers, often acting through NATO, because they have the muscle, the organization, and capability to generate significant domestic public support for such actions abroad. When it comes to security alliances, there is no equivalent to NATO anywhere else.

Therefore, in practice, humanitarian intervention may be expected mainly in parts of the world that are close to NATO's traditional territory – Europe, the Middle East, and North Africa. North Korea and Burma have for decades been run by regimes that are among the vilest on earth – one starved its people in the 1990s; the other criminally failed even to ameliorate the impact of a terrible cyclone in 2008 – but their leaders have had no cause to worry. Their neighbours, in Northeast and Southeast Asia respectively, show none of the French, British and American avowed willingness, shared by other Western powers,

to make the world a better place by force of arms. In other words, humanitarian intervention will remain rare and be selectively applied, while the arguments over it will continue.

However, in the absence of an impartial mechanism for deciding when humanitarian intervention is permissible, states might espouse it as a pretext to cover the pursuit of parallel or even primary national interests devoid of humanitarian concern. Libya demonstrates this.

NATO and Libya

The foreign intervention was at first led mostly by France and the United Kingdom, in joint command with the United States. NATO took control of the arms embargo, when it launched “Operation United Protector”. The war soon escalated, with increasingly frequent bombings. From the beginning there appeared to be no intention of simply enforcing a no-fly zone for humanitarian purposes; the aim was also to enforce regime change and topple Gaddafi’s government. According to reports, NATO flew over 10,000 sorties and dropped over 5,500 bombs—hardly the kind of operation for a humanitarian cause.⁴

In the case of the Libyan intervention, some parallels to Iraq could also be drawn. The US entered Iraq for oil. In this perspective, the oil reserves in Libya are the largest in Africa and the ninth largest in the world. Production stands at roughly 1.8 million barrels per day, giving Libya 63 years of reserves at current production rates. The quality of Libyan oil and its proximity to European markets are also attractive features. The implication is clear. Western interests in Libyan oil reserves conceivably also played a role in motivating NATO intervention.

⁴ Article Tags: GadaffigeletainterventionlibyaNATONTCPeacebuildingTripoli.

The African Union's Response

As Paul Simon Handy (2011) has rightly pointed out, the AU's approach to the Libyan crisis – an attempt to secure a negotiated settlement – found substantial (though not unanimous) support across Africa.⁵ The AU's Peace and Security Council (PSC) expressed solidarity with Libya and rejected “any foreign military intervention, whatever its form”. It is curious, however, that the AU opposed the military intervention in Libya, given that South Africa, Gabon and Nigeria, non-permanent African members of the UNSC, voted in favour of Resolution 1973. The position of the AU and the vote of the three African members of the UNSC reflect a confused and uncoordinated response from the continent, and a lack of agreement among African leaders over the situation in Libya. This also provided the pretext for Western powers to intervene quickly and forcefully. The AU allowed itself to be marginalized and ignored in the Libyan crisis. In this respect, the approach of the West did not help towards development of a clear and consistent African position: African voices and sensitivities were simply brushed aside.

Before the Libyan crisis Africans had finally come to believe in the prospect of "African solutions to African problems". They were convinced that the AU would be in charge of making Africa safe and free from foreign interventions. They are now coming slowly and painfully to realize that this is not yet true. In such conditions the AU must act immediately to prevent foreigners from acting in their own self interest on the continent. If the AU fails to act, its role will soon diminish to such an extent that not a single country in the world will consider it a respected and influential organization. Africa cannot establish its relevance on the global stage without a strong and powerful regional organization. Africans must think seriously about the possible

⁵ Hamdy, Paul S., “AU's Illusions of Dogmatic Pacifism”, www.theAfrican.org. n. 15, October-November, 2011.

consequences of this. Direct NATO intervention in African conflicts impedes the development of home-grown and regional resource management mechanisms and institutions.

Conclusion

Africa today is increasingly experiencing the competition between dominant global powers and new challengers such as China. The conditions creating the potential for external intervention in Africa are growing, not diminishing. In recent years, Africa has taken on considerable geostrategic, economic and political importance. There is increasing international competition for access to its oil and natural resources.

Africans need to reflect on the fall of Gaddafi, and others before him in similar situations. First and foremost, the Libya episode has exposed the vulnerability of Africa in terms of its inability to resolve its own problems and refuse external intervention. Will such events usher in a new era of similar interventions in one country after another, invariably welcomed by some groups within as a means of ensuring a change in political leadership? It may be said that Gaddafi's death has wider implications for Africa and the AU, as it opens up a new strategy for Western intervention in Africa. Which other African leaders would cherish the opportunity to share Gaddafi's fate?

As former South African President Thabo Mbeki has pointed out recently, the end of the Cold war created the risk that the African peoples' capacity of self-determination would be severely compromised and undermined – hence the widespread concern about a “new imperialism”.⁶ The dominant contemporary Western perception of Africa today is arguably reflected in the words of British columnist,

⁶ Mbeki, Thabo, “Is Africa There for the Taking?” in *New African*, London, n. 515, March 2012: pp. 70-76.

Bruce Anderson, in the 02 January 2003 edition of *The Independent*:

Africa is a beautiful continent, full of potential and attractive people who deserve so much more than the way in which they are forced to live and die. Yet it is not clear that the continent can generate its own salvation. It may be necessary to devise a form of neo-imperialism, in which Britain, the U.S. and the other beneficent nations would recruit local leaders and give them guidance to move towards free markets, the rule of law and ultimately some viable local version of democracy, while removing them from office in the event of backsliding.

To avoid such neo-imperialism Africans must redouble efforts to build up the AU as the premier security actor on the continent able to offer genuine “African solutions to African problems”. Only then will their best interests be served. In this context it may be fitting for Africa to bear in mind the words of Mahatma Gandhi: “*No One can ride on your back unless you bend it*”.

**Paternalism or Partnership?
The AU-NATO Relationship
and the Libyan Crisis:
Implications for Security Governance
in Africa**

Adesoji Adeniyi

Introduction

In March 2011, the North Atlantic Treaty Organization (NATO) decided to spearhead the United Nations Security Council (UNSC)-backed intervention in the Libyan conflict. Among other things, Resolution 1973 of the UNSC authorised the imposition of a no-fly zone in order to protect civilians and civilian-populated areas from attacks during the Libyan conflict.¹ NATO's decision to intervene militarily, against the African Union (AU) preference for a political solution, opened a fresh perspective on the AU-NATO relationship. It also reignited an age-long debate over the role of external actors in African security: most importantly, how foreign participation can be reconciled with the desire of Africans to resolve their continent's own conflicts by means of in-house solutions. At the core of the debate is the concern over the asymmetric nature of external actors' involvement in Africa and its tendency to evolve into a paternalistic relationship

¹ NATO, "*NATO and Libya – Operation Unified Protector*", <http://www.nato.int/cps/en/SID-E6AC9E64-91205BC5/natolive/topics71652.htm?> (accessed 17 February 2012).

instead of a partnership.² Paternalism is a unidirectional, top-down pattern of relationship, where one (stronger) party establishes the rules of engagement and dictates them to the second (weaker) party.³ On the other hand, partnership involves a mutually enriching union based on respect and collaboration which are established through dialogue.⁴

This paper argues that the differences between the AU and NATO in their stance over Libya exposed serious limitations that can create fertile ground for a paternalistic relationship, not a partnership. Indeed, it is difficult to view the AU-NATO relationship as a partnership in the sense explained above. The relationship as it currently stands lacks the features of a mutually enriching union for three main reasons. First, it works on ad hoc basis with no enabling framework. Second, it is unidirectional in nature. Third, it is incapable of managing the political undercurrent arising from involvement of external actors (i.e. NATO) in Africa an security. With these considerations in mind, this paper examines the AU-NATO relationship against the background of the Libyan crisis and its implications for security governance in Africa.

Paternalism or Partnership: Contextualising the AU-NATO Relationship

Collaboration between the AU and NATO over peace and security issues started in 2005, arguably in response to a global security scenario in which threats emanating from one region can have dangerous consequences in other parts of the world. This has made an inter-organisational approach an acceptable way to tackle global security

² T. Murithi, “*Between Paternalism and Hybrid Partnership: The Emerging UN and Africa Relationship in Peace Operations*”, Dialogue in Globalisation, Friedrich Ebert Stiftung Briefing Paper, 2007, p.2.

³ *Ibid.*

⁴ *Ibid.*

challenges, allowing two or more institutions to combine resources in order to address common security challenges.⁵ The necessity for such collaboration in Africa is evident, considering its unenviable record of political instability and inter-state, as well as intra-state, conflicts. This argument becomes particularly convincing if one considers that mobilising resources within Africa to address such crises is in most cases a major challenge. Recognition of this might have been an important reason for the start of the AU-NATO relationship, with NATO's support for the African Union Mission in Sudan (AMIS).⁶ Over the years, NATO's assistance has been extended to other peace missions like the African Union Mission in Somalia (AMISOM).⁷ It has also involved cooperation on maritime security, financial planning and monitoring, air movement coordination, military manpower management, contingency planning, training, and capacity building.⁸

While the inter-organisational approach presented the AU with an opportunity to cooperate with NATO, the relationship between the two has been complicated by the widespread assumption that external actors' involvement in Africa's security is often driven by paternalistic intentions. Though it would be convenient to subscribe to this assumption, it would be simplistic to do so because the relationship was actually initiated by – and not imposed on – the AU: the AU-NATO relationship was conceived as a platform to access external support for the operationalisation of the AU's security framework, the Africa Peace and Security Architecture (APSA). The basis for development of the APSA and the structures it incorporates – the Panel of the Wise, the Continental Early Warning System (CEWS),

⁵ M. Brosig, "The Multi-actor Game of Peacekeeping in Africa", in *International Peacekeeping*, Vol. 17, No.3, June 2010, p.327.

⁶ Africa Review, "NATO to sign security cooperation pact with AU", <http://www.africareview.com/News/Nato+to+sign+security+cooperation+pact+with+au/> (accessed 16 January 2012).

⁷ Africa Review, "NATO to sign security cooperation pact with AU", <http://www.africareview.com/News/Nato+to+sign+security+cooperation+pact+with+au/> (accessed 16 January 2012).

⁸ NATO, "NATO Assistance to the African Union", http://www.nato.int/cps/en/natolive/topics_8191.htm (accessed 2 February 2012).

the African Standby Force (ASF) and the Special Fund (SF)⁹ - was the renewed emphasis on African-centred solutions to peace and security issues. This was enshrined in the Constitutive Act of the organisation, and re-emphasised through the Tripoli Declaration of 2009.¹⁰

What is noteworthy is NATO's recognition and acceptance of the AU's emphasis on African-centred solutions. As a result, NATO's involvement with peace operations in Africa largely has been based on specific requests for assistance made by the AU. For example, it was the AU that requested NATO's assistance for the airlifting of AMIS and AMISOM troops to Darfur and Mogadishu respectively.¹¹ However, the manner in which the relationship has evolved creates a series of controversies and, though it cannot be described as inherently paternalistic, it is difficult to demonstrate that it is mutually enriching or based on mutual respect. As a result, the AU-NATO relationship still has certain limitations which hinder the development of a partnership.

Limitations of the AU-NATO Relationship

Three features of the AU-NATO relationship explain its limitations:

Ad Hoc Setting: Given that NATO's assistance to the AU is provided in response to specific requests, the relationship operates on an ad hoc basis. While such arrangements can address goals on a one-off, short-term basis, they give little consideration to long-term goals. It is also difficult to address common security threats on an ad hoc basis, because this gives no opportunity for the development of a framework

⁹ U. Engel and J. Gomes Porto, "Africa's New Peace and Security Architecture: An Introduction", in *Africa's New Peace and Security Architecture: Promoting Norms, Institutionalising Solutions*, Surrey, Ashgate, pp. 1-12.

¹⁰ See the AU's Tripoli Declaration, SP/Assembly/PS/DECL. (I), 31 August, 2009.

¹¹ NATO, "Assisting the African Union in Darfur, Sudan", www.nato.int (accessed 2 February 2012).

which spells out the duties and responsibilities of each partner, as well as the legal basis for the relationship. Propensity for continuity is therefore low, as commitment on both sides lacks the backing of a legal document. In addition, carrying out the relationship on an ad hoc basis restricts practical interoperability, especially in areas where joint decisions are required. In such cases, NATO's long experience of joint military operations can be of immense benefit.¹² The divergence between the AU and NATO in their stance on Libya might have been addressed if their relationship were based on a permanent institutional or legal framework: such a framework might have enhanced the possibility of a well coordinated response to the Libyan conflict.

Unidirectional Nature of Assistance: The absence of a permanent framework might also be the reason why the relationship is based on a one-way flow of assistance from NATO to the AU. This might result in the unintended development of an asymmetric or paternalistic relationship¹³ because NATO is the older, more experienced, better financed and more effectively equipped organisation of the two. A one-sided approach of this kind means that the importance of the AU and its capacity to serve as an equal partner in the relationship are overlooked. The "AU asks for assistance and NATO gives" attitude also limits the relationship to the operational assistance required by the AU for the ASF. This could, however, be changed by operating the AU-NATO relationship as a two-way platform. By so doing, the scope of the peace and security challenges covered in the relationship would be broadened to incorporate the full range of socio-political realities related to conflicts in Africa. Peace and security challenges in Africa differ significantly, and are rooted in diverse social, political, geographical and cultural contexts. A platform for co-learning and cross-fertilisation of ideas is therefore essential to the relationship. Through co-learning, a medium would be established for the exchange

¹² P. Lambert "NATO in Africa: Ready for Action", Maxwell Air Force Base, Air University, 2007, p. 3.

¹³ See T. Murithi, op. cit., p.1.

of ideas on how non-military factors such as religion, values and culture contribute to peace operations in Africa. The expertise and experience of the AU on the socio-political realities of conflicts in Africa could thus be shared with NATO.

Political Undercurrents of NATO's Involvement in Africa: This issue should be examined against the background of the contentious role of external actors in African security. Foreign intervention in African conflicts is complex and often occurs in relation to protection of national interests, colonial affiliation, humanitarian intervention and, more recently, the Responsibility to Protect (R2P). What is missing in the AU-NATO relationship is a clear position on how to keep external actors at bay while cooperating on peace and security issues. A possibility that cannot be ruled out is that of an interest or set of interests being pursued by the intervening party, determining the pattern and extent of intervention. More often than not, the intrigues underlying foreign intervention in Africa silence the individual or collective "African voice" of different states. In the case of the AU and NATO, the ad hoc basis of the relationship has further complicated a situation which, as the Libyan crisis showed, is challenging in its own right in the absence of a framework for the management of political undercurrents.

Libya and the Limitations of a Partnership

On 15 February 2011 anti-government protests began in Libya's second largest city, Benghazi. The Libyan government responded by attacking and arresting demonstrators. As the situation rapidly worsened, on 26 February 2011 UNSC Resolution 1970 condemned the killings and violation of human rights in Libya.¹⁴ When the crisis

¹⁴ UN Security Council Resolution 1970 (2011), United Nations, S/RES/1970(2011), 26 February 2011.

deteriorated further the UNSC adopted Resolution 1973, which included approval of a no-fly zone over Libya in order to protect civilians from attacks.¹⁵ In March 2011 NATO initiated its own enforcement of this resolution, regardless of its relationship with the AU. By the time NATO ended its operation on 31 October 2011 the Libyan crisis had taken a different trajectory, with the fall of Tripoli to the rebels in August 2011 and the death of Colonel Gaddafi on 20 October 2011. What started as a humanitarian intervention eventually culminated in regime change.

The politics leading to the NATO-led intervention exposed the difference in the position and approach of the AU and NATO. The primary conflict resolution mechanism of the AU is diplomacy, with serious emphasis on political settlement of disputes. Military intervention is to be used only as a last resort. The AU's political effort was, however, overshadowed by certain developments. On 23 February 2011, the AU's Peace and Security Council (PSC) decided at its 261st sitting to dispatch a mission to Libya to assess the situation. Three days later, on 26 February 2011, the UNSC passed Resolution 1970. Undeterred, the 265th sitting of the PSC on 10 March 2011 adopted a roadmap for resolution of the conflict. In addition to a call for a total ceasefire and political reforms, a high-level ad hoc committee of Heads of State and Government was set up with a view to engaging all parties in the conflict in implementation of the roadmap. A week after the adoption of the roadmap, on 17 March 2011, came the imposition of a no-fly zone over Libya by UNSC Resolution 1973. The involvement of the UNSC in the Libyan crisis had major implications for the AU, excluding it from a pivotal role because the primary responsibility for maintaining international peace and security rests with the UNSC.¹⁶ As a result, any further AU attempts to resolve the conflict effectively

¹⁵ NATO, "*NATO and Libya - Operation Unified Protector*", http://www.nato.int/cps/en/natolive/topics_71652.htm (accessed 17 February 2012).

¹⁶ United Nations Charter, Article 24, paragraph 1.

became subject to UNSC pronouncements.

Though UNSC Resolution 1973 paved the way for military intervention in Libya, NATO's apparent decision to sideline the AU and align with the Arab League and Gulf Cooperation Council (GCC) confirms its inability to manage the political undercurrents of external intervention in Africa through its relationship with the AU. This challenge should have been addressed within the framework of a well structured relationship. While both the AU and NATO believed in the resolution of the conflict, the paths they proposed to achieve this were different, if not contradictory. The AU adopted a roadmap based on an all-inclusive political settlement which would involve major stakeholders in the conflict. The alternative to the AU's roadmap was the use of "all necessary means", authorised by the UNSC to protect civilians and civilian-populated areas. The chances of cooperating were made slimmer by NATO's interpretation of Resolution 1973, with enforcement of a no-fly zone and the use of "all necessary measures" paving the way for aerial bombardment of Libya and the overthrow of the Gaddafi regime. Leaders of major NATO member states, especially the US, Great Britain and France, stated openly that Gaddafi should not remain in power. Not surprisingly, NATO's campaign ended eleven days after he died.

The Constitutive Act of the AU is contrary to regime change through undemocratic means. Supporting NATO's position was therefore impossible. UNSC Resolution 1973 also gave NATO a position of advantage in the Libyan conflict. This was obvious when the high-level ad hoc committee set up to discuss the roadmap was denied clearance to fly into Libya on 20 March 2011. However, the high-level committee was able to travel to Libya from 9 to 11 April 2011 in a bid to sell the roadmap to the government and rebels. While the government accepted the AU proposal, it was rejected by the rebels as they made the ousting of Gaddafi a precondition for negotiation.

Attempts to galvanise support for the roadmap thus met with little success. On 31 May 2011, Dr. Jean Ping, Chairperson of the African Union Commission (AUC), met with NATO Secretary General Anders Fogh Rasmussen to discuss the Libyan crisis. While both agreed on the need for further dialogue, the substantial difference between their respective positions remained. Dr. Ping's earlier visit to NATO headquarters, on 5 April 2011, had also achieved little.

Implications of NATO's Intervention for Security Governance in Africa

The Libyan crisis made Africa prone to possible future interventions by external actors. This likelihood undermines the principle of "African solutions to African problems". It might also downgrade the AU's security governance architecture as the primary framework for addressing peace and security issues in Africa. For example, on 24 February 2012 a meeting was held in London to find ways of addressing threats to global security emanating from the Somali conflict. This meant effectively ignoring the AU's ongoing efforts to resolve the conflict. Future foreign interventions in Africa could disrupt the AU's learning process on peace and security issues. A system takes time to evolve: during this period, it undergoes challenges and changes. The UN and NATO are over sixty years old and have extensive operational experience, while the AU is a decade-old institution which still requires support in its operations.

Political instability and human rights violations such as torture, extrajudicial killings, arbitrary arrests and imprisonment still persist in Libya despite the intervention by NATO.¹⁷ While the Gaddafi regime has been toppled, the brutal tactics it used in suppressing its opponents

¹⁷ Amnesty International, *Militias Threatens Hope or New Libya*, London, Amnesty 2012.

were retained. At the time of writing, the situation is more precarious because the country is divided among the militias that fought against the Gaddafi regime and the National Transitional Council (NTC) seems unable to control them. Many international organisations working in Libya have expressed deep concern over the deteriorating state of the country. For instance, Amnesty International reported that Libyan militias are out of control and commit human rights abuses with impunity.¹⁸ Human Rights Watch documented cases of reprisal killings against people perceived to be supporters of Gaddafi. Médecins Sans Frontières stopped working in detention centres because people they were treating were subjected to persistent torture.¹⁹

Instability in the country is further complicated by the proliferation of arms looted during the uprising against the Gaddafi regime. Thousands of short- and medium-range weapons were looted from the Libyan armed forces' armoury during the uprising. These weapons might end up in the hands of terrorists. The implications of this would be enormous. First, it could further destabilise Libya by plunging the country into a civil war. If this happened, the capacity of the NTC to handle the crisis would be in serious doubt. A second and much greater implication is the regional dimension such an escalation might take. Libya is in close proximity to a number of fragile states, already faced with the threat of latent rebellion and terrorist groups. Considering the porous nature of international borders in Africa, these arms could easily be moved without detection into the countries concerned. For example, the increased activity of the Tuareg rebels in Mali has been linked to instability in Libya.

The crisis in Libya created the need for the AU to reflect upon its approach to peace and security issues. It exposed the need to create

¹⁸ *Ibid.*

¹⁹ <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/9042501/MSF-withdraws-staff-over-Libya-torture-cases.html#>, accessed 9 July 2012.

safeguards against the circumvention of the AU's role as a pivotal institution for addressing peace and security issues in Africa. A holistic assessment of the AU's security governance structure must be drawn up in relation to actual and potential operational challenges. First, diplomacy being its major tool, the AU should develop broader diplomatic objectives ensuring capability of addressing internal differences and withstanding external pressure. The African voice should be made more audible in future peace and security challenges facing the continent. Since the UN believes in the pacific settlement of disputes, robust diplomacy by the AU can help limit the risk of external intervention in Africa's conflicts.

Robust diplomacy must, however, be matched with appropriate enforcement capacity should the need arise. The architecture of global security governance is primarily conditioned by the capacity to develop a strong joint military front which can be used to advance the principles and objectives of the organisation concerned. NATO's intervention in the Libyan crisis was based on its military strength. Since military intervention is not ruled out as a conflict resolution mechanism, the AU should strengthen its capacity in this regard. To do so, it should look inwards rather than outwards in strengthening the capacity of the ASF. Dependence on foreign assistance for the ASF should be reduced; if necessary, acceptance should be based on mutual respect and cooperation, not a one-way "ask and you shall receive" format.

Finally, the APSA was designed as a robust Crisis Prevention Management and Resolution framework in which military intervention will be a last resort. To achieve this, the AU must strengthen its institutional mechanisms, especially those involving conflict management. The CEWS, the Panel of the Wise and the PSC should be more proactive in their response to peace and security issues. This would reduce the risk of foreign intervention and the damage inflicted

on the AU's diplomatic efforts through lack of consistency among member states.

In Conclusion: Mapping the Way Forward

While the Libyan crisis might have exposed the limitations in AU-NATO relations, it equally provides an opportunity to improve the relationship by addressing its shortcomings. To start with, there is an urgent need for a framework to guide the relationship. Cooperation should be rooted in a framework with a firm institutional and legal basis. This should address the limitations caused by the ad hoc one-way arrangements which have characterised the relationship so far. Such arrangements should be discarded in favour of a permanent relationship providing a clear perspective on the overall guiding philosophy, the responsibilities of each partner, and when and how these responsibilities should be fulfilled.

If this were done, there would be a shift from the current one-way approach to a two-way relationship where NATO could in turn benefit from the AU's knowledge of Africa's peace and security issues. Such a relationship would provide the basis for co-learning. The changing dynamics of global security threats and their cross-regional implications make cooperation based on partnership all the more essential. What the AU lacks in financial and technical capacity can be compensated for in its understanding of the socio-political realities of the underlying causes and consequences of conflicts in Africa. While the technical assistance of NATO is crucial to strengthening the AU's security governance architecture, a two-way partnership would thus prove equally beneficial to the Alliance and allow it to tap the AU's vast experience concerning the socio-political realities of African security issues.

It is important to note that a paternalistic relationship will prove a setback for the AU's security governance regime, and ultimately of no benefit to NATO. On the other hand, given that NATO subscribes to the notion of "African solutions to Africa problems", greater cooperation with the AU should enhance its pivotal role in resolving conflicts in Africa.

10

NATO Military Operations in Libya in Relation to International Humanitarian Law

*“Believe in peace as the most powerful weapon
in search for a lasting solution.”¹*

Christian Kabati

Introduction

North Africa has since late 2010 been swept by a revolutionary *tsunami*, bringing down the regimes of Ben Ali (Tunisia) on 14 January 2011 and Hosni Mubarak (Egypt) on 11 February 2011.² The shock wave unleashed by the popular uprisings in these countries was felt in Libya as early as 15 February 2011, after which Colonel Moammar Gaddafi threw his remaining energies into an ultimately vain attempt to save his almost 50-year-old regime.³ The change of regime in Libya was thus far from peaceful, coupled as it was with violent and odious criminal behaviour on the various sides involved.⁴ The regime's

¹ Nelson Mandela, *Conversations with Myself*, London, Macmillan, 2010, p. 409.

² The recent popular uprisings in the Maghreb are like a tsunami, a tidal wave usually caused by a brutal movement of the seabed as a result of seismic activity. See the French-language entry for “Tsunami” at http://www.futura-sciences.com/fr/definition/t/geographic-1/d/tsunami_418/ (accessed 23 February 2012).

³ Gaddafi was without any doubt a great Pan-Africanist, but he failed promote democratic values such as civil and political liberties and tolerance. All serious opposition was quashed under the Gaddafi regime in Libya.

⁴ While blame for serious crimes was initially laid at the door of the regime, it was subsequently seen that war crimes were also committed by the rebels of the National Transitional Council. See the 17th session of the UN Human Rights Council, May-June 2011: Situation of human rights in the Libyan

use of force in its endeavours to repress the revolution involved many abuses which raised considerable concern both regionally and internationally.⁵

Violations of international humanitarian law and human rights in Libya were denounced by the Arab League, the African Union (AU) and the United Nations (UN) Human Rights Council.⁶ On 26 February 2011 the UN Security Council (UNSC) passed Resolution 1970, with the following provisions: a demand for an immediate cease-fire and for steps to fulfil the legitimate demands of the Libyan people, referral to the Prosecutor of the International Criminal Court (ICC), an arms embargo and the intervention of Member States to facilitate and support the return of humanitarian agencies and related assistance in the Libyan Arab Jamahiriya.⁷

Following Libya's failure to respect the first resolution, the Security Council adopted another (Resolution 1973) on 17 March 2011, authorizing the Member States concerned⁸ to take necessary measures for the protection of the civilian population and of civilian-populated areas under threat of attack, in addition to create a no-fly zone.⁹

It was thus that, with the interventionist troika of France, Britain and

Arab Jamahiriya, http://www.aidh.org/ONU_GE/conseilddh/11/17_rapp_libye.htm (accessed 21 January 2012);

Amnesty International, "Libye: l'OTAN doit mener une enquête sur les pertes civiles", <http://www.amnesty.ch/fr/pays/moyen-orient-afrique-du-nord/libye/docs/2011/otan-enquete-pertes-civiles> (accessed 10 January 2012).

⁵ Concerned actors included the Arab League, the AU, the Secretary General of the Organization of the Islamic Conference and the UN Human Rights Council. See UNSC Resolution 1970 of 26 February 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/245/59/PDF/N1124559.pdf?OpenElement> (accessed 20 February 2012).

⁶ *Ibid.*

⁷ Paragraphs 1, 4, 9 and 26 of UNSC Resolution 1970 of 26 February 2011.

⁸ As indicated in paragraph 4 of UNSC Resolution 1973, this applied to those Member States which had notified the Secretary-General that they were acting nationally or through regional organizations or arrangements, and in cooperation with the Secretary-General, to protect the Libyan people against human rights violations.

⁹ Paragraphs 4 and 6 of UNSC Resolution 1973 of 17— March 2011.

the United States providing momentum, NATO undertook a military operation in Libya from March to October 2011 with the objective of enforcing the UNSC resolutions. After seven months of air raids in the name of the “right to humanitarian intervention”, “democracy” and “protection of human rights” or, the “rights of the Libyan civilian population”, the NATO operation ended following the execution of Colonel Gaddafi near his native town of Sirte on 20 October 2011. While the NATO intervention was theoretically based on the UNSC resolutions and thus on Chapter VII of the UN Charter, their actual application by member states led to controversy and to a certain extent tarnished the image of the Alliance.¹⁰

Prior to Libya, NATO’s successful first mission in Africa was accomplished in 2005, when it supported the AU in Sudan. Since 2007, it has also assisted the AU mission to Somalia.¹¹ For the AU, NATO has also offered military and technical knowhow. The Libya intervention, however, has raised questions among Africans about NATO’s legitimacy as a security actor and partner.¹²

This paper endeavours to address this issue through consideration of the basis for, and nature of NATO’s Libya operation. It concludes with a number of recommendations for NATO’s future engagement in Africa.

¹⁰ See R. Charvin, “*L’intervention en Libye et la violation de la légalité internationale : un retour à la pseudo « morale internationale » du XIX^e siècle*”, <http://lavoixdelalibye.com/?p=3362> (accessed 1 January 2012).

¹¹ NATO, “*NATO Assistance to the African Union*”, http://www.nato.int/cps/en/SID-99004AA9-35-ECE446/natolive/topics_8191.htm (accessed 10 January 2012).

¹² See I. Seminatore, “Les relations internationales de l’après-guerre froide: une mutation globale”, in *Études internationales*, vol. 27, n° 3, 1996, pp. 603-615, <http://id.erudit.org/iderudit/703631ar> (accessed 18th January 2012); M. Bedjaoui, *Towards A New International Order*, 1979, New York, Holmes & Meier, pp. 1-50.

The Basis for NATO's Action in Libya

*“War is peace and peace is war.
The military intervention in Libya is identified with peace
since it was undertaken
for the safeguarding of populations.”*¹³

An appropriate preliminary observation is that since time immemorial war has always been considered a scourge of mankind.¹⁴ The consequences of armed conflict are not simply damaging, but threaten the very existence of human civilization.¹⁵ The outlawing of war by modern international law is thus a significant step forward in the promotion of human safety and security.

Article 2(4) of the UN Charter: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

Long before the UN Charter, on 27 August 1928, the signing of the Kellogg-Briand Pact in Paris marked a first step towards the abolition of war in international relations. Article 2 of the Pact states: “The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.”

The North Atlantic Treaty marking the birth of NATO on 4 April 1949 clearly condemns war. Article 1 states: “The Parties undertake, as

¹³ Translated from J.-C. Paye, “L’oxymore de la guerre humanitaire”, <http://guerre.libreinfo.org/manipulations/medias-mensonges/576.html> (accessed 15 February 2012).

¹⁴ J. S. Levy & W. R. Thompson, *Causes of War*, Oxford, Wiley-Blackwell, 2010, pp.1-27.

¹⁵ A. Cassese, *Violence and Law in the Modern Age* (1988), Cambridge, Polity Press, 1-29; M. N. Shaw, “Nuclear weapons and international law”, in Istvan Pogany (ed), *Nuclear Weapons and International Law* (1987), Basingstoke, Palgrave Macmillan, pp. 1-21.

set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.”

Article 4(f) of the AU Constitutive Act dated 11 July 2000 also upholds the principle of “prohibition of the use of force or threat to use force among Member States of the Union”; Article 4(e) urges “peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly”.

It is regrettable that, despite the normative role and the relevance of these documents, war is still an almost daily occurrence. This is shown by the examples of Syria, the Democratic Republic of the Congo, Palestine and, more recently, in Egypt, Tunisia and Ivory Coast.¹⁶ In tabulating armed conflicts in the 20th and 21st centuries, Cherif Bassiouni identifies 313 in the period between 1945 and 2008.¹⁷

There are of course exceptions to the principle of the prohibition of war in the various international juridical agreements mentioned above. Article 42 of the UN Charter affirms the right of Member States to use force to maintain or restore international peace and security; Article 51 states the right of legitimate individual or collective self-defence.

Similarly, Article 5 of the North Atlantic Treaty also states the right of legitimate individual or collective defence to assure the collective security of Member States. Finally, Article 4(h) of the AU Constitutive Act states “the right of the Union to intervene in a Member State

¹⁶ C. Kabati, “*The Impunity for Mass Rape in the DRC as a Threat to Peace and International Security*”, 2012, paper at the International Conference on Law and Feminism (India).

¹⁷ M. Cherif Bassiouni (ed), “The pursuit of international criminal justice: world study on conflicts, victimization, and post-conflict justice”, in *International Criminal Law Review* (1), 2010, pp 177-179.

pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.”

In the case of the Libyan crisis, the UNSC considered the human rights violations in Libya a threat to international peace and security. Resolution 1973 of 17 March 2011 authorized Member States to take all necessary measures, including the enforcement of a ban on flights in Libyan airspace, in order to prevent reprisals by the regime against the civilian population.¹⁸

If the provision for a no-fly zone was clear, the paragraph authorizing Member States to take all necessary measures in order to prevent the civilian population was open to interpretation. How was it to be read? Was this a tacit authorization to overthrow the Libyan regime? Or was it simply the acknowledgment of the right of humanitarian intervention in Libya?

Close reading of the two UNSC resolutions on Libya rules out their interpretation as a covert invitation to overthrow the regime. In both resolutions, the Security Council restates its firm commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya with change of the political regime being the exclusive prerogative of the people concerned.¹⁹ Resolution 1973 advocates dialogue to achieve the political reforms necessary for a peaceful and lasting settlement.²⁰ This preference for a peaceful approach to the successful management of the Libyan crisis in Resolution 1973 is also arguably confirmed by the absence of any specific reference to Article 42 of the UN Charter.²¹ Another point to note is that Paragraph 4 of Resolution 1973 excludes deployment of a foreign occupation force,

¹⁸ Paragraphs 4 and 6 of UNSCR 1973 of 17 March 2011.

¹⁹ The principle of the self determination of peoples is referenced in Article 1(2) of the UN Charter.

²⁰ Paragraph 2 of UNSCR 1973 of 17 March 2011.

²¹ Unlike the first resolution, which specifies that the Security Council is acting on the basis of Chapter VII - Article 41 of the UN Charter, the second resolution merely states that it is based on Chapter VII.

in whatsoever form, anywhere on Libyan soil.

The necessary measures referred to in Paragraph 4 were thus to be seen as limited to the protection of the population by imposing certain restrictions on the regime's use of military resources, and not as constituting in any way an authorization to attack or take part in hostilities against the regime.

While some assert that Resolution 1973 sanctioned the right of humanitarian intervention,²² even this right nevertheless remains controversial.²³ Although some analysts see the Resolution as an evolution of international law, others see it as a step backwards.²⁴ The basis for this more critical perspective is that humanitarian intervention seems an ill-defined concept based on uncertain premises, thus lending itself to selective and arbitrary application.²⁵ In this respect, the debate concerning control over the decisions of the Security Council and the need to avoid any confusion on the question of humanitarian intervention is particularly relevant.²⁶

²² See article in French by L. Gautier, "Libye: une intervention peu lisible", http://www.lemonde.fr/idees/article/2011/03/28/libye-une-intervention-peu-lisible_1499640_3232.html (accessed 16 January 2012). For a more detailed theoretical perspective on the right of humanitarian intervention, see M. Bettati, *Le droit d'ingérence. Mutation de l'ordre international*, Paris, Édit. Odile Jacob, 1996, passim.

²³ See dissertation in French by V. Dor, "De l'ingérence humanitaire à l'intervention préventive. Vers une remise en cause du principe du droit international", 2002-2003, Institut Européen des Hautes Études Internationales, http://www.regionmag.com/droit-d_ingerance-pdf.html (accessed 17 January 2012). See also: J. Westmoreland-Traoré, "Droit Humanitaire et Droit d'Intervention", *Journées mexicaines de l'Association Henri Capitant à Mexico et Oaxaca*°, 18-25 mai 2002, http://www.usherbrooke.ca/droit/fileadmin/sites/droit/documents/RDUS/volume_34/34-12-westmoreland.pdf (accessed 12 February 2012);

J.-M. Crouzatier, "Le principe de la responsabilité de protéger : avancée de la solidarité internationale ou ultime avatar de l'impérialisme ?", in *Revue Aspects*, n° 2 - 2008, pp.13-32, http://www.revue-aspects.info/IMG/pdf/ASPECTS_no2_a03_Crouzatier.pdf

²⁴ R Charvin, see note 10, above.

²⁵ S. Bula-Bula, "La Doctrine d'ingérence humanitaire revisitée" (1997), <http://sbulabula.wordpress.com/publications/la-doctrine-dingerence-humanitaire-revisitee/>; S. Bula-Bula, "L'ambiguïté de l'humanité en droit international", Kinshasa, Presses de l'Université de Kinshasa, 1999, 1-15; S. Bula-Bula, "L'idée d'ingérence à la lumière du nouvel ordre mondial" (1994), <http://sbulabula.wordpress.com/publications/lidee-dingerence-a-la-lumiere-du-nouvel-ordre-mondial/> (accessed 12 January 2012).

²⁶ H. Köchler "La Résolution 1973 et l'intervention en Libye sont-elles légales ?", in *Horizons et débats*, Zurich, 27 May 2011, <http://www.voltairenet.org/article170113.html>;

NATO's Libyan Operation, Humanitarian Needs and Democracy

*"The new humanitarian interventions present every virtue in dealing with the catastrophic fate of the weak, who must be assisted without delay whatever the cost.
But no operation is chemically pure."*²⁷

Operation Unified Protector was an air and sea operation enforcing UNSCR 1973.²⁸ Since the aim was to protect the civilian population against the atrocities of the Gaddafi regime, air raids were not the ideal option in humanitarian terms. This choice admittedly had the advantage of protecting NATO personnel and participating Member States' armed forces, which apparently suffered no loss of life, but it left the civilian population exposed to the risk of collateral damage caused by the raids.²⁹

It is not the purpose of this paper to draw up a general inventory of collateral damage caused in Libya, which would require a detailed study in its own right. It should nevertheless be noted that according to some sources international humanitarian law was not respected as it should have been. A number of non-combatants were victims of

Humanitarian Policy Group, "Libye: la possible confusion humanitaire-militaire en question", 2011, in *Humanitaire* 29, <http://humanitaire.revues.org/index936.html>;

M. Bedjaoui, *The New World Order and the Security Council, Testing the Legality of its Acts*, 1994, Dordrecht, Martinus Nijhoff, 1-55.

²⁷ Ph. Leymarie & A-C Robert, "Ces guerres qu'on dit humanitaires", in *Le Monde diplomatique, Manière de voir* n. 120, décembre janvier 2011, <http://www.monde-diplomatique.fr/mav/120/> (accessed 20 January 2012).

²⁸ Before Operation Unified Protector, Operation Odyssey Dawn was launched on 19 March 2011 by a US-led coalition. See: "L'ONU en Libye : la responsabilité de protéger", <http://www.ladocumentationfrancaise.fr/dossiers/maintien-paix-index.shtml/maintien-paix-onu-libye.shtml> (accessed 13 February 2012).

²⁹ See: Ph. Leymarie, "L'OTAN célèbre le «succès» libyen", in *Le Monde diplomatique*, <http://blog.mondediplo.net/2011-11-01-L-OTAN-celebre-le-succes-libyen>;

J.-B. Marion, "Des frappes par hélicoptères en Lybie ou la question du Jus ad Bellum/Jus in Bello", <http://humanitairesdansletexte.blogspot.com/2011/06/des-frappes-par-helicopteres-en-lybie.html> (accessed 10 February 2012).

the actions undertaken by those involved in conflict.³⁰ In this regard, it is useful to recall that on 8 June 1977 the UN adopted a Protocol additional to the Geneva Conventions of 12 August 1949, relating to the protection of the victims of international armed conflicts. This document, known as Protocol I, states under Article 48: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

Regarding democracy promotion in Libya, the NATO action seems to have been positive insofar as the aim was to stop repressive measures against demonstrators, but a change of regime should have been based exclusively on an internal decision taken by the Libyan people by virtue of the right to self-determination. It does not take a great scholar to raise questions about just how far the National Transitional Council (NTC) authorities were really independent vis-à-vis the Western powers which led the operation. The activism of some special forces present in Libya during the conflict was condemned by a number of observers as illegitimate and opportunistic, indicative of interference by states which were part of the coalition.³¹ It is no wonder, therefore, that many Africans are concerned that the promotion of Libyan political rights and liberties proclaimed at gunpoint by the coalition were in reality a front for neo-colonialism bent on installing a government financially dependent on foreign capitalist powers in search of oil irrespective of its democratic credentials. The guarantees which the victorious NTC

³⁰ See: Agence France Presse, “Libye: l’ONU accuse le régime de Kadhafi de crimes contre l’humanité”, http://www.lexpress.fr/actualites/1/actualite/libye-l-onu-accuse-le-regime-de-kadhafi-de-crimes-contre-l-humanite_998916.html (accessed 18 February 2012); Amnesty International (note 4, above), and Charvin (note 10, above).

³¹ A. Tschumi, “Le détournement du droit international par les puissances occidentales : les tribunaux pénaux et le conflit en Libye”, in *Legal frontier*, <http://www.legalfrontiers.ca/2011/08/le-detournement-du-droit-international-par-les-puissances-occidentales-les-tribunaux-penaux-et-le-conflit-en-libye/> (accessed 19 January 2012).

authorities have expressed regarding their commitment to democratic values seem doubtful. Their attempted introduction of the Sharia immediately after the end of hostilities was cause for concern.

It is thus important to address the ongoing process of political democratization in Libya within a multilateral framework with the interaction of both regional (AU) and international (UN) organizations.³² Otherwise, the fear of missing the appointment with democracy in Libya may prove well grounded.

Conclusion and Recommendations

In conclusion, it should be noted that the recent Libyan crisis jeopardized peace, security, human rights and democracy not just in Africa but worldwide. In this respect NATO must be given credit for its efforts to protect civilians in Libya by undertaking Operation Unified Protector to enforce UNSCR 1973.³³

However, a shortcoming of the operation was that it consisted essentially of bombing or air raids which sidelined a peaceful political process to conflict resolution, raised questions about collateral damage and UN oversight and control of humanitarian interventions.³⁴ The excessive political and military activism on the part of Western powers and the intervention of special forces deployed by certain countries have been seen as a Trojan horse, not consistent with the aforementioned UNSC resolution.³⁵ The interference of foreign powers

³² Lire Mehari Taddele Maru, "On Unconstitutional Changes of Government: The Case of Libya's NTC", <http://www.the-african.org/blog/?p=623> (accessed 12 February 2012).

³³ S. Abrial, "Foreword", in "The UN and NATO: Forward from the Joint Declaration", *Forum Paper* 17, NATO Defense College, May 2011, pp. 4-7.

³⁴ Note 30, above.

³⁵ See : H. Köchler, "*L'instrumentalisation du droit international et la crise libyenne*", <http://www.idc-europe.org/fr/-L-instrumentalisation-du-droit-international-et-la-crise-libyenne->; El. Radier, "*Une guerre «humanitaire» contre la Libye ?*", <http://offthefreakintrack.wordpress>.

in Libya alongside the rebels to bring about regime change reduced the credibility of the operation, which thus in many circles came to be seen as an instrument for the expansion of Western imperialism.³⁶

For any future military intervention by NATO in Africa, legal compliance of actions undertaken with appropriate oversight should be ensured so as to preserve their juridical force and legitimacy. In addition, NATO should always give priority to a peaceful settlement, which is less damaging in all respects. The Alliance should promote multilateralism and joint solutions in order to avoid political instrumentalization and abuse of missions. Using military force to settle the human rights crisis in Libya meant that not enough room was left for mediation with a view to a peaceful resolution. Mediation should have been the preferred solution in respect of the UNSC Resolution 1973.³⁷ It was not. Not taking into account the AU's proposal for a political solution was a particular failing on the part of the Atlantic Alliance.³⁸ For a viable AU-NATO partnership to emerge, the approach can ill afford to be repeated.

com/2011/08/20/une-guerre-humanitaire-contre-la-libye/ (accessed 10 February 2012).

³⁶ *Ibid.*

³⁷ See above: The basis for NATO's action in Libya.

³⁸ See: RFI, "*Nouvel appel de l'Union africaine à l'arrêt des combats en Libye*", <http://www.rfi.fr/afrique/20110616-nouvel-appel-union-africaine-arret-combats-libye> (accessed 20 February 2012); S de Beer, "*Plan de Paix de l'Union africaine: l'OTAN refuse la démocratie en Libye*", 19 August 2011, http://www.michelcollon.info/IMG/article_PDF/article_a3384.pdf (accessed 20 February 2012); Moncef KDHIR, "Pour le respect des droits de l'homme sans droit d'ingérence", 2002, in *Revue trimestrielle des droits de l'homme* 52, 901-923, <http://www.rtdh.eu/pdf/2002901.pdf> (accessed 20 February 2012).

11

**The North Atlantic Treaty Organization's
Intervention in Libya
and its Political and Legal Implications
for the Peace and Security Architecture
of the African Union:
A View from Africa**

Mehari Taddele Maru and Solomon Ayele Dersso

Introduction: The Mandates of the AU and NATO

The African Union

The African Union (AU) is a continental multilateral organization with 54 member states, including the newest African nation – the Republic of South Sudan.¹ Since its establishment in 2002, the AU has been tasked with carrying out the very ambitious project of ensuring a peaceful, prosperous and integrated Africa. For the past nine or so years, the AU has tried with varying degrees of success to respond to crisis situations such as those in Ivory Coast, Madagascar, Darfur, Somalia and Niger, as well as the recent popular uprisings in North Africa. Of all the areas of the AU mandate, this is perhaps the one where the organization has been most successful in establishing an internationally recognized profile as an important provider of peace and security on the continent.

¹ In 1984 Morocco left the Organization of African Unity (OAU), the predecessor of the African Union (AU), in protest against its recognition of the Western Sahara and Polisario Front.

As in other areas of its mandate, the AU implements its mandate on peace and security through partnership and in collaboration with other international actors. Given its constitutional mandate as the principal continental body for the maintenance of peace and security in Africa, it is mainly through and with the AU that other international actors participate in African peace and security processes. It is in this context that the relationship between the AU and NATO has emerged during the past few years.

NATO

Established in 1949 as a logical development of the 1941 Atlantic Charter and the 1948 Brussels Treaty, NATO is a mutual defence arrangement of, by and for its 28 member states.² Through various modalities, it collaborates with more than 37 non-member countries.

In response to the tragedy of World War II, and to avert the military threat from (and expansion of) the communist Soviet Union, NATO served as both the military and political front of the Western anti-communist bloc.³ After the end of the Cold War, the Alliance enlarged to encompass Eastern European states. In recent times NATO's role has transformed drastically, from collective self-defence to the undertaking of interventionist operations for or alongside its member countries, and sometimes the UN. Examples of this are the no-fly zone interventions in Bosnia and Kosovo as well as the ongoing mission in Afghanistan. Its recent intervention in Libya under Operation Unified Protector remains the most controversial of all: not only did this operation lack

² North Atlantic Treaty, NATO Office of Information and Press, *The NATO Handbook-Documentation, A Companion Volume to the 50th Anniversary Edition of the NATO Handbook*, 1999, Brussels, Belgium: updates available at <http://www.nato.int>

³ Note the exception of the Korean War peacekeeping intervention, in which the UN led by the USA was the main actor. Ethiopia contributed troops to this. On Ethiopia's contribution to the current United Nations Interim Security Force for Abyei (UNISFA), see Mehari Taddele Maru, "The Contributions of Ethiopia to the Abyei Peacekeeping Force", Institute for Security Studies, *ISS Today*, http://www.iss.co.za/iss_today.php?ID=1358 (accessed 12 January 2012).

the support of the AU as the leading regional organization, but there were problems regarding the interpretation and implementation of UN Security Council (UNSC) Resolution 1973.

Its expanding global profile in the post-Cold War period has involved NATO in African peace and security processes. Its major participation in these includes the technical support it has been providing for the development of the African Standby Force. NATO has also been assisting African states in maritime security in the Gulf of Aden, and supporting AU peacekeeping operations such as the AU Mission in Somalia (AMISOM).

NATO's Intervention in Libya

Background and context

The Libyan uprising began with protests in Benghazi on 15 February 2011. These protests turned into riots and, later on, armed revolt in many parts of Libya. Soon there were demonstrations demanding a change of government in Libya, as had been the case just a short time before in Egypt and Tunisia. Demonstrations in Benghazi rapidly became uncontrollable, with sacking of government premises such as police stations, intelligence facilities and army barracks. Despite biased Western media reports, which portrayed the protest movement as peaceful, it was actually violent even in its early stages. As the protest spread to many parts of Libya and government security forces continued to repress it violently, the situation descended into armed rebellion forcing government security forces to retreat from many parts of eastern Libya.

The intervention in Libya was officially justified as a response to Gaddafi's rhetoric of crushing the opposition by force. On 23 February

2011, Gaddafi vowed to “cleanse Libya house by house” until he had crushed the armed opposition, whom he sometimes described as “cockroaches”, “traitors” and “drug-fuelled, drunken and duped”. In his televised address on 11 March 2011, Gaddafi urged his supporters to “show no mercy” and go “house to house” through the city of Benghazi. Gaddafi’s alarming rhetoric soon prompted calls for military action. The proposal for the imposition of a no-fly zone received strong support, particularly from Western countries,⁴ human rights groups, the Arab world⁵ and the armed opposition.⁶ These appeals triggered the adoption of UNSC Resolution 1973.⁷

After determining that the situation in Libya constituted a threat to international peace and security, in accordance with Chapter VII of the UN Charter the UNSC authorized member states “to take all necessary measures” in order “to protect civilians and civilian populated areas under threat of attack” in Libya, while “excluding a foreign occupation force of any form on any part of Libyan territory”. Demanding an immediate ceasefire as well as an end to the attacks against civilians, Resolution 1973 established a no-fly zone, banning all flights in Libyan airspace in order to help protect civilians, and authorized member states “to take all necessary measures to enforce compliance.”⁸

⁴ On 1 March the US Senate adopted a resolution urging the UN Security Council to impose a no-fly zone on Libya, while France and the UK indicated that military action was necessary. See Tim Shipman, *David Cameron Backs Sarkozy Calls for Libya Air Strikes*, Daily Mail (Mar. 11, 2011), <http://tinyurl.com/6qavxw7>. The EU also adopted a resolution, including a call for a no-fly zone: see Resolution on the Southern Neighbourhood, and Libya in particular, EUR. PARL. DOC. (P7_TA-PROV(2011)0095), para. 10 (10 March 2011).

⁵ On March 8, the Secretary General of the Organisation of the Islamic Conference also called for a no-fly zone over Libya. Four days later, the League of Arab States followed suit with a resolution calling for a no-fly zone.

⁶ *Rebel Leader Calls for ‘Immediate Action’ on No-fly Zone*, CNN online (10 March 2011), <http://tinyurl.com/69gmf6l>

⁷ S.C. Res. 1973, U.N. Doc. S/RES/1973 (Mar. 17, 2011). It was adopted by a vote of ten in favour, none against, and five abstentions: permanent members China and the Russian Federation, plus non-permanent members Brazil, Germany, and India.

⁸ *Ibid.*

NATO took over responsibility for implementation of military operations to enforce Resolution 1973, not long after the intervention had been set in motion by the three NATO members with permanent seats on the UNSC (the United States, France and the United Kingdom).

Debating the Legitimacy, Scope and Propriety of NATO's Application of Resolution 1973

Arguments on the UNSC Resolution

Despite its humanitarian pretensions, both Resolution 1973 and NATO's intervention raised a number of questions. The first question mostly relates to the wording of the resolution, authorizing "all necessary measures to protect civilians and civilian-populated areas under threat of attack": this was seen as very general and imprecise. While some maintained the view that this formulation was permissive of any action deemed necessary by the intervening powers, others expressed the reasonable view that it should be interpreted strictly. Among those in the latter category, international law scholar Richard Falk noted that "[g]iven the Charter emphasis on war prevention and peaceful settlement of disputes, it should be standard practice that exceptional mandates to use force would be interpreted strictly to limit the departure from Charter goals and norms."⁹ Additionally, the resolution failed to specify the point at which the authorization for military action would expire. In legal terms, the problem with such a formulation was that it breached one of the requirements of the rule of law – i.e. that authority for executive action needs to be formulated in a language that is clear and precise, specifying the point at which such

⁹ Richard Falk, "Chapter VII: a loophole for imperialists?", Al Jazeera. Available in English at <http://www.aljazeera.com/indepth/opinion/2011/09/2011958322588815.html>

authorization expires.¹⁰ As will be shown below, this lack of precision and the breadth of the provisions authorizing the intervention made it possible for NATO countries to expand the purpose of the intervention beyond its humanitarian ends.

The nature of the implementation of Resolution 1973 raised further questions. In this regard, there were two issues. The first was whether supporting the rebel groups was consistent with the requirements of the resolution. The second was whether it authorized regime change as an objective of NATO's military operation in Libya.

From its initial focus on protecting civilians against government forces, particularly in Benghazi, the NATO operation appeared to quickly change character. The air campaign was not limited to protection of civilians under threat of attack. In targeting government forces irrespective of the dangers they posed to civilians, assistance was provided to the armed rebellion. This meant the introduction of direct military assistance to an armed group (classified as combatants under international law) fighting for the overthrow of Gaddafi's government.¹¹ An intervention of this kind is equivalent to taking sides in a civil war and, as such, might be seen as a breach of many international law principles, including interference in the affairs of a state. Aiding any faction in a civil war might also be considered a mercenary foreign invasion. Under the AU normative framework, this was clearly a factor that contributed to the AU's disagreement with the NATO intervention.¹²

Going further than providing support for the opposition, NATO

¹⁰ See generally CH Powell, 'The Legal Authority of the United Nations Security Council' in Benjamin J. Goold and Liora Lazarus (eds.) in *Security and Human Rights*, 2007, p. 157.

¹¹ Mehari Taddele Maru, *On Unconstitutional Changes of Government: The Case of Libya*, Institute for Security Studies, ISS Today, http://www.iss.co.za/iss_today.php?ID=1358 (accessed 17 January 2012).

¹² Mehari Taddele Maru, *How the AU Should Have Recognized the Libyan NTC*, Institute for Security Studies, ISS Today, http://www.iss.co.za/iss_today.php?ID=1348 (accessed 28 November 2011).

countries openly declared that the objectives of the intervention included Gaddafi's removal from power. In an open letter dated 15 April 2011, US President Barack Obama, French President Nicolas Sarkozy and British Prime Minister David Cameron stated that their duty and mandate under Resolution 1973 was not to remove Gaddafi by force; at the same time, they held that "it is impossible to imagine a future for Libya with Gaddafi in power" and that it is "unthinkable that someone who has tried to massacre his own people can play a part in their future government."¹³ However, the problem with pursuing regime change as an addition to the central mission of protecting civilians was not only that it breached international law; it also entailed the risk of undermining the authorized aim of the intervention. Although the numbers are contested,¹⁴ NATO's air campaign resulted in the death of a not insignificant number of civilians.¹⁵ In one of the bloodiest instances that took place on 8 August 2011, NATO bombings in Majer claimed the lives of 35 people.¹⁶ There have been acknowledgments by NATO of "weapons systems failures" and accidental killings of rebels; the Alliance has stated that it "deeply regrets"¹⁷ such incidents. Despite calls from organizations such as Human Rights Watch, the Alliance has continued to display reluctance to undertake investigations into its bombings involving civilian casualties.¹⁸

In pointing out that such actions were not authorized under Resolution 1973, Russia's Foreign Minister stated: "We consider that

¹³ Barack Obama, David Cameron & Nicolas Sarkozy, Editorial, "Libya's Pathway to Peace", in *International Herald Tribune*, 15 April 2011.

¹⁴ Libyan authorities at the time alleged that 1,100 civilians (the very category the operation purported to protect) were killed by NATO, and over 4,500 were wounded. See "Libya: NATO dismisses claims of civilian casualties", in *The Independent*, 15 July 2011, <http://www.independent.co.uk>.

¹⁵ According to a report that Human Rights Watch produced, at least 72 civilians including 24 children and 20 women lost their lives due to NATO bombings. See <http://www.hrw.org/news/2012/05/14/nato-investigate-civilian-deaths-libya> (accessed on 16 May 2012).

¹⁶ 'In Strikes on Libya by NATO, an Unspoken Civilian Toll', *The New York Times*, 17 December 2011, http://www.nytimes.com/2011/12/18/world/africa/scores-of-unintended-casualties-in-nato-war-in-libya.html?_r=1&pagewanted=all

¹⁷ "NATO admits civilian deaths in Libya raid", Al Jazeera, 19 June 2011, <http://english.aljazeera.net>.

¹⁸ See HRW report, note 18 above.

intervention by the coalition in what is essentially an internal civil war is not sanctioned by the UN Security Council resolution.”¹⁹ Similarly, Arab League Secretary General Amer Mussa declared: “[w]hat is happening in Libya differs from the aim of imposing a no-fly zone.”²⁰ He reiterated this point subsequently, stating that the sole goal of Resolution 1973 was the protection of civilians and that it proposed neither general support for the rebels nor regime change in Libya.²¹ As Professor Falk observed, “the NATO operation quickly lost sight of the mission as authorised, and almost immediately acted [...] to make non-negotiable the dismantling of the Gaddafi regime without much attention to the protection of Libyan civilians.”²² Other international law scholars and practitioners also warned at the time that support for regime change was beyond the scope of Resolution 1973.²³ The AU expressed its concern on this specific issue, through the report of the Chairperson of the AU Commission and its request for a legal opinion from the African Union Commission on International Law (AUCIL).

Views of the AU Judicial and Legal Advisory Bodies

A judicial organ of the AU, the African Court on Human and Peoples Rights (the Court), held its 20th Ordinary Session in Arusha, Tanzania, from 14 to 25 March 2011. There, it issued an *order for provisional measures* in relation to an application received from the African Commission on Human and Peoples’ Rights (the Banjul

¹⁹ FT, “Russians question allies’ adherence to UN remit”, available on <http://www.ft.com/intl/cms/s/0/d350918a-5966-11e0-bc39-00144feab49a.html#axzz1mvz1al00>

²⁰ Edward Cody, *Arab League Condemns Broad Western Bombing Campaign in Libya*, Washington Post, (20 March 2011), available at http://www.washingtonpost.com/world/arab-league-condemns-broad-bombing-campaign-in-libya/2011/03/20/AB1pSg1_story.html

²¹ *The Goal in Libya Is Not Regime Change*, *The New York Times* (23 March 2011), available at http://www.nytimes.com/2011/03/24/opinion/24iht-edmoussa24.html?_r=1

²² See above, note 13.

²³ Robert Booth, *Libya: Coalition bombing may be in breach of legal limits*, *The Guardian* (28 March 2011), available at <http://www.guardian.co.uk/world/2011/mar/28/libya-bombing-un-resolution-law>

Commission).²⁴ The Banjul Commission, which is also a body of the AU, accused the Gaddafi regime of serious and widespread violations of human rights.²⁵ This was the first time that the Court had been presented with an internationally politicized case for its adjudication. The Banjul Commission accused the Gaddafi regime of mobilizing Libyan security forces to repress a peaceful demonstration in February 2011, using heavy weapons and machine guns against civilians, enlisting mercenaries, and killing civilian bystanders and rebels. A response to the Court by the Gaddafi regime included a report covering the period between 10th February 2011 and 15th May 2011.²⁶ The regime requested the dismissal of the case against it, “in order to give the peace process that is commenced by the AU [...] to bring all actors to agree under the AU Roadmap [...] as per Rule 40 (7).”²⁷ The regime pointed out that “the huge loss of life and harm to Libyans and foreigners in Libya emanates from the actions of the rebel groups and the NATO barbaric bombardment.”²⁸ It accused NATO of “attacking civilians and civilian objects including hospitals, residential houses, telecommunication infrastructures used by civilians.”²⁹ It considered that the “bombardment targeting any existing socio-economic infrastructure that is used by civilians in their daily life constitutes grave violation of all international norms particularly the Geneva Conventions Relating to the Protection of Civilian Persons in Time of War (Geneva Convention No IV) as well as the Customary Rules of International Humanitarian Law as provided under Vol. 87, No. 857 Customary Law, and International Review of the Red Cross,

²⁴ The application was filed before the Court by the African Commission on Human and Peoples’ Rights (the Commission), on behalf of the International Federation of Human Rights (FIDH) and the Libyan League for Human Rights (LLHR).

²⁵ The Great Socialist Libyan Arab Jamahiriya Response to the Application of the African Commission on Human and Peoples’ Rights (Application No. 004/2011) and the Order for Provisional Measures by the African Court on Human and Peoples’ Rights, Submitted to the Court, Arusha, Tanzania, 06 June 2011.

²⁶ Ibid.

²⁷ Ibid..

²⁸ Ibid..

²⁹ Ibid.

the UN Security Council Resolutions and AU treaties.”³⁰ The Gaddafi regime argued that NATO bombings and the actions of the NTC were causing more civilian casualties than the actions of the government. The Court called on the AU and its constituent bodies, particularly the AU Commission and the Peace and Security Council, to speed up their efforts to implement the AU Roadmap.

The African Union Commission on International Law (AUCIL)

UNSC Resolution 1973, adopted on 17 March 2011, mainly imposed a no-fly zone over Libya with the intention of protecting civilians. NATO, led by France and Britain, began to implement the resolution through an airstrike campaign. Discrepancies in interpretation and implementation of the resolution emerged, later increasing the difference of views between the AU and NATO, as well as the UN. As a result, the PSC requested the AU Commission on International Law to provide a legal opinion on “*the scope and legal implications of United Nations Security Council resolutions 1970 (2011) and 1973 (2011) on the situation in Libya, including obligations of Member States of the United Nations, including African States, arising from the two resolutions.*”³¹ Accordingly, the AUCIL concluded that the AU Roadmap provided more comprehensive legal mechanisms to resolve the Libyan crisis within the terms of the UN resolution.³² The AU Roadmap and Resolution 1973 called for cessation of hostility

³⁰ Ibid..

³¹ Paragraph 12 of the communiqué of the AUPSC, document PSC/MIN/COMM.2 (CCLXXV), adopted on 26 April 2011 at the 275th meeting of the PSC.

³² African Union Commission on International Law (AUCIL) (2011), Legal Opinion of The African Union Commission of International Law (AUCIL) on Certain Aspects of the Situation In Libya: Scope, Legal Implications and Obligations of Member States of The United Nations, including African Union States, Arising From United Nations Security Council Resolutions 1970 and 1973, The Second Extra Ordinary Session, African Union Commission on International Law, May 12, 2011, Addis Ababa, Ethiopia, AUCIL/Legal/.

and a credible ceasefire by all parties. According to the AUCIL, a monitored ceasefire “will make it unnecessary or unattractive for the international community to carry out or sustain some of the measures or sanctions already taken or being contemplated in favour of one side to the conflict.”³³ Reading between the lines, one can understand that the AUCIL believed NATO and the international community to have sided with the rebels. However, this was not clearly stated.

With regard to the question of Resolution 1973 authorizing a coalition of the willing to use all necessary means to protect civilians and implement the resolution, the AUCIL did not express a clear opinion. It only termed the mandate as “broad.”³⁴ The AUCIL also stated that: “[a]s currently formulated, it would appear that the resolutions do not require that the prior approval of the Security Council before necessary measures are taken as it only states that the Secretary-General and Security Council be informed of measures taken *ex post facto*. As a safeguard against abuse, ‘all necessary measures’ must of necessity imply or be interpreted to mean that the Security Council must, after receiving a report from the Secretary-General, approve the measures contemplated to enhance both their legality and legitimacy.”³⁵ In its first important assignment, the AUCIL failed to advance concrete legal recommendations. It limited

³³ See Paragraph 45, African Union Commission on International Law (AUCIL) (2011), Legal Opinion of The African Union Commission of International Law (AUCIL) on Certain Aspects of the Situation In Libya: Scope, Legal Implications and Obligations of Member States of The United Nations, including African Union States, Arising From United Nations Security Council Resolutions 1970 and 1973, The Second Extra-Ordinary Session, African Union Commission on International Law, May 12, 2011, Addis Ababa, Ethiopia, AUCIL/Legal/.; Opinion adopted and approved in plenary meeting of the African Union Commission on International Law, Addis Ababa, May 12, 2011, 17H45mn.

³⁴ See Paragraph 46, Opinion adopted and approved in plenary meeting of the African Union Commission on International Law, Addis Ababa, May 12, 2011, 17H45mn.

³⁵ See Paragraph 45, African Union Commission on International Law (AUCIL) (2011), Legal Opinion of The African Union Commission of International Law (AUCIL) on Certain Aspects of the Situation In Libya: Scope, Legal Implications and Obligations of Member States of The United Nations, including African Union States, Arising From United Nations Security Council Resolutions 1970 and 1973, The Second Extra-Ordinary Session, African Union Commission on International Law, May 12, 2011, Addis Ababa, Ethiopia, AUCIL/Legal/.; Opinion adopted and approved in plenary meeting of the African Union Commission on International Law, Addis Ababa, May 12, 2011, 17H45mn.

itself to stating that the means and the end result of the interventions in Libya should be “lawful and permissible.”³⁶ The actual questions that the AU was requested to answer were how Resolution 1973 should be interpreted, and whether the intervention of NATO in Libya was “lawful and permissible”. The AUCIL failed to offer meaningful and consistent legal advice to the AU on these points. In a very vague manner, it recommended that “the obligation of States must relate not only to the attainment of the objectives or results to be achieved under resolutions 1970 and 1973, but also the means and method by which these objectives are pursued.”³⁷

In a more forward-looking and indirect manner, the AUCIL pointed out that the Libyan crisis and the divergence of position between the AU and other actors such as the UN and NATO could be seized as an opportunity to “define the regional-global security partnership with the UN.”³⁸ It called for “greater involvement of the AU in the forefront in dealing with the prevailing complex Libyan situation [...] The Libyan situation presents a possibility and an opportunity to fulfill the promise of giving a greater role for the AU in resolving conflicts on the continent in accordance with recent evolution of the partnership between the UN Security Council and the AU Peace and Security Council in addressing issues of peace and security in Africa.”³⁹ It also recommended considering the suspension of investigation and prosecution by the ICC on Libyan cases referred to it by the UNSC.⁴⁰

³⁶ See Paragraph 47, Opinion adopted and approved in plenary meeting of the African Union Commission on International Law, Addis Ababa, May 12, 2011, 17H45mn.

³⁷ Ibid.

³⁸ See Paragraph 48, Opinion adopted and approved in plenary meeting of the African Union Commission on International Law, Addis Ababa, May 12, 2011, 17H45mn.

³⁹ Ibid.

⁴⁰ See Paragraph 50, Opinion adopted and approved in plenary meeting of the African Union Commission on International Law, Addis Ababa, May 12, 2011, 17H45mn.

Political Debates: the APSA

The African Peace and Security Architecture (APSA) is the policy and institutional framework that the AU established to ensure that it has the required “capacity to address the scourge of conflicts on the continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the continent.”⁴¹ The APSA is, as such, the institutional and policy manifestation of the AU’s political principles, enshrining the mantra of “African solutions to African problems”. This is also a principle that gives Africa both ownership of, and a high stake in, the process for resolving problems facing its peoples.

As former AU Commission Chairperson Jean Ping has stated, “[o]ne of the aspects highlighted by the crisis in Libya relates to the reluctance of some members of the international community to fully acknowledge the AU’s role.”⁴² NATO’s intervention was undertaken against the express objections of many Africans, and at the expense of Africa’s emerging peace and security architecture. Most notably, it robbed Africa of its role of formulating solutions to the crisis, marginalizing the AU’s admittedly weak voice and undermining the APSA as well as the AU’s political principle of “African solutions to African problems”. The fact that the objective of the operation evidently shifted from protection of civilians to regime change relying on military force also meant that NATO’s intervention was not flexible enough to give the AU the opportunity to push for a negotiated settlement. The opportunities that arose when the Libyan government declared its willingness for a ceasefire and negotiated settlement were thus not adequately exploited.

⁴¹ AU Doc, Protocol Relating to the Establishment of the Peace and Security Council (2002), Preamble.

⁴² AU Commission, Letter from the Chairperson of the Commission, Issue no. 1 (November 2011) 4.

Instead, these declarations were dismissed as a deliberate ploy by Gaddafi to buy time and shield himself from the escalating assault on his government by opposition militias. By May, the AU actually managed to secure Gaddafi's commitment that he would not be part of the negotiation for the formation of a new government, or of the resulting government. South Africa's President Jacob Zuma has nevertheless observed that "the AU's plan was completely ignored in favour of bombing Libya by NATO forces."⁴³

Clearly, the result of NATO's intervention in Libya has had serious consequences for Africa. From a legal perspective, it arguably undermined international legality; it thus reinforced the widely held perception, particularly in the southern hemisphere, that Responsibility to Protect (R2P) was a cover for the neo-colonial ambitions of the West. It was seen as a manifestation of the vulnerability of Africa to military intervention, particularly where the interests of Western countries are at stake; and NATO was seen as the instrument for undertaking such interventions. Africans' objections against NATO's execution of Resolution 1973 were not only about ensuring that external interventions do not violate the interests of weak African states, but also about protecting the emerging role of the AU as leader in the search for solutions to African problems.

The concern that the AU expressed about the potential regional implications of the military approach to the crisis in Libya were born out by the proliferation of weapons into Libya's neighboring countries and the armed rebellion that it triggered in northern Mali.⁴⁴ Following the demise of Colonel Gaddafi, members of the *Tuareg* who were fighting on both sides of the Libyan war, returned to Mali (with a lot of arms and weapons) and in October 2011 established a

⁴³ Speech of President Jacob Zuma delivered at the UN Security Council on 12 January 2012, available on <http://www.uruknet.info/?new=85064>

⁴⁴ See Peace and Security Council Report No 35 (May 2012) 3, available on <http://www.issafrica.org/pgcontent.php?UID=31476>

group called the National Movement for the Liberation of the Azawad (*Mouvement national de liberation de l'Azawad*) (MNLA). Igniting the latest *Tuareg* rebellion against Mali, the sixth *Tuareg* rebellion since Mali's independence in 1960, the MNLA launched attacks on 16 January 2012 against government security posts in Northern Mali. Since then, MNLA and other armed forces took control of the whole of northern Mali, and on 6 April 2012 they declared the independence of the territory from Mali as the state of Azawad.

The AU's Position and Efforts to Resolve the Crisis

For the AU, the intervention in the Libyan civil war without the consultation and support of its dedicated agencies was considered as a sign of disrespect towards its mandate as the premier African organization on peace and security issues. Despite being caught by surprise like many others in the international community, the AU was already seeking a solution to the Libyan crisis in February 2011. On 23 February, six days after the first protest in Benghazi, the PSC and the AU Commission Chairperson issued a communiqué condemning the “indiscriminate use of force and lethal weapons, whoever it comes from, resulting in the loss of life, both civilian and military, and the transformation of pacific demonstrations into an armed rebellion.”⁴⁵ The same communiqué provided the main elements for the establishment of the Ad Hoc Committee of Heads of States led by the South African President, and for the preparation of a political roadmap – the only political document to date. It called for a ceasefire by the Government of Libya and the National Transitional Council (NTC). The PSC, in its 275th meeting on 10 March 2011, established the High-Level Ad hoc Committee to “facilitate an inclusive dialogue among them, and engage AU partners, as part of the overall efforts, for the speedy

⁴⁵ PSC 261st Meeting, Communiqué on Situation in Libya, PSC/PR/COMM(CCLXI), 23 February 2011, and Statement from the Chairperson of the AU Commission, 23 February 2011.

resolution of the crisis in Libya.”⁴⁶ In its first meeting on 19 March 2011, the Committee decided to engage with all the parties in the crisis and to facilitate dialogue between them with the aim of undertaking the necessary reforms in Libya,⁴⁷ in so doing, it explicitly decided to seek support from, and coordination with, the League of Arab States, the Organization of the Islamic Conference, the European Union and the United Nations.

The AU Roadmap

On 25 May 2011 the AU Extraordinary Summit on Libya expressed its “deep concern at the dangerous precedence being set by one-sided interpretations of [the UNSC] resolutions, in an attempt to provide a legal authority for military and other actions on the ground that are clearly outside the scope of these resolutions, and at the resulting negative impact on the efforts aimed at building an international order based on legality.”⁴⁸ In addition, it endorsed the AU Roadmap and called on the Government of Libya and the NTC to comment on the Roadmap. On 26 May 2011 the AU forwarded the AU Roadmap, through the Ad Hoc Committee, to both parties and to other actors in the Libyan crisis.⁴⁹ In this regard, it is important to note that the AU

⁴⁶ African Union, Communiqué of the Meeting of The AU High-Level Ad Hoc Committee on Libya, Nouakchott, Islamic Republic of Mauritania, 19 March 2011. Report of the Chairperson of the AU Commission on the Activities of the AU High-Level Ad Hoc Committee on the Situation in Libya, PSC 275th Meeting, Addis Ababa, Ethiopia, 26 April 2011, PRC/PR/2(CCLXXV).

⁴⁷ African Union, Communiqué of the Meeting of the AU High-Level Ad Hoc Committee on Libya, Nouakchott, Islamic Republic of Mauritania, 19 March 2011. Report of the Chairperson of the AU Commission on the Activities of the AU High Level Ad Hoc Committee on the Situation in Libya, PSC 275th Meeting, Addis Ababa, Ethiopia, 26 April 2011, PRC/PR/2(CCLXXV). Paragraph 5 of the Decision of the Assembly of the Union on the Situation in Libya, Assembly/AU/Draft/Dec.23 (XVII).

⁴⁸ Extraordinary Session of the Assembly of the Union on the State of Peace and Security in Africa, Addis Ababa, Ethiopia, 25 May 2011, Ext/Assembly/AU/Dec/ (01.2011), Decision of the Peaceful Resolution of The Libyan Crisis, *Enhancing Africa's Leadership, Promoting African Solutions*, Ext/Assembly/AU/Dec/(01.2011).

⁴⁹ Extraordinary Session of the Assembly of the Union on the State of Peace and Security in Africa, Addis Ababa, Ethiopia, 25 May 2011, Ext/Assembly/AU/Dec/ (01.2011), Decision of the Peaceful Resolution of The Libyan Crisis, *Enhancing Africa's Leadership, Promoting African Solutions*, Ext/Assembly/AU/Dec/(01.2011).

Roadmap remains as relevant for the transition process in Libya as it was in May 2011.

Conclusion: The Future of AU-NATO Collaboration – A Partnership For an Effective APSA

From the outset NATO recognized the importance of “universal and regional arrangements under the Charter of the UN for the maintenance of international peace and security.”⁵⁰ This is in line with Chapter VIII of the UN Charter, which also provides a mandate for the regional mechanisms of peace and security based on the principle of complementarity and subsidiarity.⁵¹ The AU repeatedly asserted the primacy of its mandate on African peace and security issues under Chapter VIII, expressing its displeasure at the NATO military intervention and the dire consequences for the peace and security of Africa as well as for the efforts of the AU.⁵²

This stems from the AU’s strong interest in reasserting its primacy of responsibility and its mandate on African peace and security. In this respect, the AU may need to continue engaging with global actors such as the UN, European Union, United States and NATO to ensure respect for its mandate. In contrast, NATO may want to re-examine its policy with regard to Africa. As stipulated under Chapter VIII of

⁵⁰ Article 12, North Atlantic Treaty, NATO Office of Information and Press, *The NATO Handbook-Documentation, A Companion Volume to the 50th Anniversary Edition of the NATO Handbook*, 1999, Brussels, Belgium: updates available at <http://www.nato.int>

⁵¹ The principle of subsidiarity/complementarity dictates the complementary responsibility of the international community to protect a given population when the state in control of the territory concerned fails to do so. The principle of subsidiarity reinforces this re-conceptualization of sovereignty as responsibility to ensure respect of human rights by states and the international community. This is what is called the principle of subsidiarity. The principle of subsidiarity thus reinforces the power of the AU to intervene for protective purposes, in a manner compatible with the AU Constitutive Act and international law.

⁵² Report of the Chairperson of the Commission on the Partnership between the African Union and the United Nations on Peace and Security: *Towards Greater Strategic and Political Coherence*, PSC 307th Meeting, Addis Ababa, Ethiopia, 9 January 2012, PSC/PR/2.(CCCVII).

the UN Charter and the AU Constitutive Act, the AU is the legitimate continental body working to maintain peace and security in Africa. It thus has the mandate required to partner with NATO. Nevertheless, for such a partnership to thrive NATO has to respect the mandate of the AU as well as its lead role in setting the agenda and the priorities for maintenance of peace and security in Africa.

The question of the AU's leadership and ownership of processes in the maintenance of peace and security within the framework of the UN Charter is non-negotiable, and should be the bedrock for the engagement of international actors such as NATO in African peace and security affairs. As former AU Commission Chairperson Jean Ping has rightly pointed out:

[L]asting peace on the continent can only be achieved if efforts to that end are based on the full involvement of Africa and a recognition of its leadership role because, as stressed by the Summit in August 2009, without such a role, there will be no ownership and sustainability; because we understand the problems far better; because we know which solutions will work, and because, fundamentally, these problems are ours, and our peoples will live with their consequences.⁵³

⁵³ AU Commission, *Letter from the Chairperson*, Issue 1, November 2011, 4.

PART 3

CRAFTING A COLLABORATIVE COUNTER-PIRACY REGIME

12

Towards an Enduring Counter-Piracy Partnership: Prospects for AU-NATO Cooperation

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Introduction: Charting the Wrong Course

One would be hard pressed to find an article analyzing Somali piracy be it journalistic, academic, or militarily focused which does not make the claim that this maritime problem can be only solved on land. In the four years that the international community has attempted to address this crisis, however, a coherent and coordinated onshore strategy has yet to emerge. The development of indigenous counter-piracy capacity in the affected states of the East African seaboard has, despite rhetoric to the contrary, received scant attention from donor states. Authorities in the epicentres of Somali piracy - the autonomous states of Puntland and Galmudug - have largely been left to fend for themselves. Mistakenly, the international response to Somali piracy remains blinded by a military-centric focus on naval shows of force.

Though international naval forces have been largely successful in forcing the pirates out of their original hunting grounds in the Gulf of Aden, the pirates have since expanded their geographical range of operations in every conceivable direction: north towards the Red Sea and the Persian Gulf, east into the Indian Ocean, and south to the Mozambique Channel. The number of reported attacks has increased

each year, rising from 44 in 2007 to 237 in 2011.¹ That said, the pirates' success rate has declined, from a high of approximately 30% in 2008 to a low of 13% in 2011 - a pattern attributed to extended periods of monsoonal rough weather, the implementation of "best management practices" by the shipping industry, and increased international naval intervention.² However, this in no way means that Somali piracy is under control. Pirate gangs have responded to the changing environment by using larger attack groups to swarm more secure targets, kidnapping hostages on land, and demanding higher ransoms.

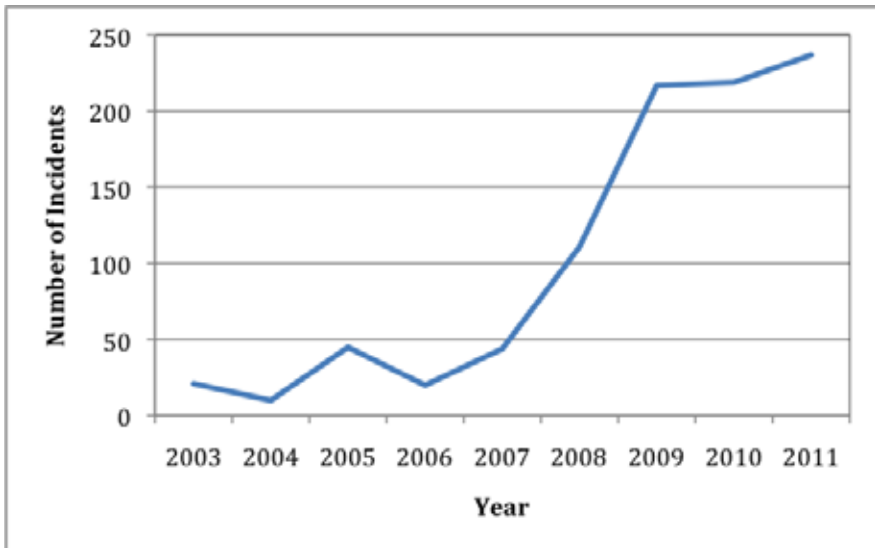


Figure 12.1: Attacks by Somali Pirates 2003-2011

Calculating the total global cost of Somali piracy has been a contentious endeavor. The most all-encompassing effort has come from the One Earth Future Foundation's "Oceans Beyond Piracy"

¹ Anna Bowden and Dr. Shikha Basnet, "The Economic Costs of Somali Piracy 2011", in *Oceans Beyond Piracy*; One Earth Future Foundation, p. 11.

² *Ibid*, p. 1.

project, which offers an approximate 2011 figure of \$7 billion.³ This number incorporates such cost factors as ransom payments, insurance premiums, security measures, military operations and regional counter-piracy organizations. It is the disparity between the last two factors that forms the central argument of this paper: NATO and its international allies are currently engaged in an unsustainably expensive campaign of naval containment, while committing insufficient resources to regional maritime security development. A new capacity-building program for the states directly affected by Somali piracy offers an enduring, locally owned, and cost-effective solution to the problem. Given their shared interest, regional presence, and operational experience, NATO and the African Union (AU) are well placed to jointly lead this program.

Current Counter-Piracy Efforts and their Weaknesses

While piracy had been a low-level problem off the Horn of Africa for over a decade, by 2007 the security environment had deteriorated to the point where the United Nations (UN) Security Council issued a statement urging naval vessels in the vicinity to take vigilant action to protect shipping. Building on previous operational experience in the Mediterranean and Arabian Sea, NATO has deployed two successive missions to the Gulf of Aden and Somali coast. The first program, launched in October 2008 under the title Operation Allied Provider, was concerned primarily with providing escort vessels for the World Food Program and other aid organizations.⁴ A more vigorous NATO counter-piracy venture, Operation Ocean Shield, was launched in August 2009. This mission has done more than its predecessor to actively respond to distress calls and has been able to thwart dozens of attempted hijackings and capture a number of pirate “mother ships”.

³ Bowden and Basnet, p. 39. All figures in this paper are stated in USD.

⁴ Lars Bangert Struwe, “For a Greater Horn of Africa Sea Patrol: A Strategic Analysis of the Somali Pirate Challenge”, *Danish Institute of Military Studies*, March 2009, p. 10.

The European Union (EU) has also deployed its first joint naval operation, Operation Atalanta, with an analogous mandate to protect vulnerable vessels and deter, prevent, and repress acts of piracy. A third multinational flotilla, the United States (US)-led Combined Task Force 151 (CTF-151), engages in similar duties. Numerous countries external to the three operations mentioned above, such as Russia, China, India and Japan, have also sent naval contingents to the region.

Naval operations have succeeded in making the operational environment much more difficult for pirates, as reflected in their decreased success rate and geographical expansion. While well publicized and financed, this strategic focus is nevertheless regarded by a comprehensive study of counter-piracy policies as “astonishingly limited,” in that it is largely restricted to military surveillance and deterrence at the expense of other options.⁵ This current strategy is thus one of containment, not confrontation. It does not offer a long-term solution to Somali piracy, because it is both economically and logistically unsustainable and also fails to address the root cause of the piracy crisis: a lack of institutional and security capacity within Somalia and the wider region.

The Oceans Beyond Piracy report calculated the total annual cost of counter-piracy military operations to be \$1.27 billion.⁶ Using the same methodology, the annual operating cost of NATO’s Operation Ocean Shield has been placed at \$293 million, and a figure of \$450 million has been given for the EU’s Operation Atalanta.⁷ While both of these missions have been extended to the end of 2014, it is unlikely they will be able to continue indefinitely in an age of fiscal austerity

⁵ Christian Bueger, Jan Stockbruegger & Sascha Werthes, “Pirates, Fishermen and Peacebuilding: Options for Counter-Piracy Strategy in Somalia”, in *Contemporary Security Policy*, Vol. 32, No. 2, August 2011, p. 357.

⁶ Bowden and Basnet, p. 39.

⁷ Stig Jarle Hansen, “*Piracy in the ‘Greater Gulf of Aden’: Myths, Misconceptions and Remedies*”, Norwegian Institute for Urban and Regional Research, October 2009, p. 45.

and military cutbacks. Economic constraints have already forced the number of ships deployed to Operation Atalanta to fall “below the red line” of a six-vessel deployment, according to EU Military Committee Chairman Hakan Syren.⁸ NATO was similarly forced to divert naval resources away from the Horn of Africa when they were needed for operations off the coast of Libya. There is also the danger that naval efforts may “fall victim to their own success.”⁹ A drop in incidences of piracy may cause a scaled down naval presence but, as the pirate structures onshore would remain intact, the gangs would only have to wait for coalition forces to withdraw before returning to sea.

A sustainable solution to the piracy crisis therefore requires a coordinated strategy, tailored to address the root causes that allowed the practice to take hold in Somalia’s pirate-prone states and flourish in the wider region. The explosion of piracy, first witnessed in 2008, has been attributed to the decline of local institutions in the autonomous state of Puntland - particularly its inability to pay its once effective police and coastguard forces.¹⁰ As security in Puntland has improved over the last two years, the piracy nexus has shifted south to the weaker sub-state of Galmudug. Offshore, the pirates have been able to expand the scope of their operations from the mouth of the Red Sea to the Mozambique Channel thanks to the underdeveloped maritime security capacity of regional states. As piracy expert Martin Murphy notes, effective policing at sea requires “boats well equipped with radar, communications, well trained and honest crews [...] shore-based command and control facilities [...] reliable intelligence about pirate activity [and] air support and surveillance”, all measures which are prohibitively expensive for the developing states in the region to implement.¹¹

⁸ David Brunnstrom, “EU faces warship shortage for Somali piracy mission”, *Reuters*, November 23, 2011, <http://af.reuters.com/article/topNews/idAFJ0E7AM02320111123?sp=true>

⁹ Hansen, p. 46.

¹⁰ *Ibid.*, p. 57.

¹¹ Martin Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security*, New York, Routledge, 2007, p. 15.

Part of the mandate of NATO's Operation Ocean Shield is to "facilitate and support the development of regional states capacity to conduct effective counter-piracy operations."¹² In practice, however, capacity building has accounted for only a fraction of Ocean Shield's budget and has not been conducted through any centralized organ. One possible avenue, the Djibouti Code of Conduct, was launched under the auspices of the International Maritime Organization (IMO) in 2009 as a regional counter-piracy program. Signed by 18 states, the document focuses on four key pillars: training, capacity building, the rule of law, and information sharing.¹³ International funding for the program, however, was a mere \$1.25 million in 2011, a paltry sum compared to the resources invested in military operations.¹⁴

A UN "Trust Fund to Support Initiatives of States to Counter Piracy off the Coast of Somalia" was created in 2010 to defray the local costs of prosecuting pirates and increasing maritime security. Working through the UN Office of Drugs and Crime and the UN Development Programme for Somalia, the Trust Fund has supported the development of local prisons in Somaliland and Puntland, and assisted Kenya, Mauritius, Tanzania and the Seychelles with judicial training and prison refurbishment. While several NATO members have contributed to the Trust Fund, total assistance in 2011 amounted to only \$4.7 million, a situation that Trust Fund Manager Tuesday Reitano regards as "financially unsustainable."¹⁵ Other capacity-building efforts have been primary bilateral, such as the Britain's plan to establish a counter-piracy intelligence cell in the Seychelles, or Denmark's funding of an East African maritime planning headquarters in Kenya. Lacking a comprehensive framework, there is the risk that these types of projects

¹² "Deter, Disrupt, Protect", *Operation Ocean Shield*, NATO Shipping Center, <http://www.shipping.nato.int/operations/OS/Pages/OosBackground.aspx>

¹³ Bowden and Basnet, 29. Signatories to the Code include: Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, the Maldives, Mauritius, Oman, Saudi Arabia, the Seychelles, Somalia, Sudan, the UAE, Tanzania, and Yemen.

¹⁴ *Ibid.*, p. 29.

¹⁵ *Ibid.*, p. 27.

may fall victim to needless duplication.

With regard to Somalia's autonomous regions, bilateral security assistance has been almost non-existent, as Western donors have traditionally used the Transitional Federal Government (TFG) in Mogadishu as their primary liaison for counter-piracy efforts.¹⁶ While NATO has commendably increased its engagement with authorities in Puntland and has recently agreed to intercept al-Shabaab militants heading to the region by sea,¹⁷ there has been little in the way of operational or material assistance. Unable to secure Western funding or support for the creation of a coastal task force, Puntland President Abdirahman Mohamud Farole turned to the United Arab Emirates (UAE) and a South African security firm to provide funding, training and logistical support for the Puntland Marine Police Force (PMPF). The latter had a great deal of success in chasing pirates from their coastal sanctuaries until their operations were suspended in mid-June 2012 when the UAE ceased funding the project.¹⁸

The state of Somaliland, the most stable region in the country, has prevented piracy from taking root in its territory and could potentially play a larger regional maritime security role. This self-declared state has received little security assistance however, and has trained its own 300-strong maritime police force with minimal outside support.¹⁹ Officials from the new piracy hub of Galmudug have similarly stated that they need international assistance, as they “don’t have the equipment to fight pirates on the sea.”²⁰ The greatest weakness of international

¹⁶ Hansen, p. 51.

¹⁷ “NATO and Puntland Authorities Meet”, *Somali Report*, March 7, 2012, http://www.somaliareport.com/index.php/post/3017/NATO_And_Puntland_Authorities_Meet

¹⁸ Robert Young Pelton, “Puntland’s Anti-Piracy Program Shut Down”, *Somalia Report*, June 26, 2012, http://www.somaliareport.com/index.php/post/3465/Puntlands_Anti-Piracy_Program_Shut_Down

¹⁹ Shiine Omar, “Puntland, Somaliland Prepare to Fight Pirates”, *Somali Report*, January 20, 2012, http://www.somaliareport.com/index.php/post/2575/Puntland_Somaliland_Prepares_to_Fight_Pirates

²⁰ “Galmudug Finally Ready to Fight Pirates”, *Somali Report*, December 05, 2011, <http://www.somaliareport.com/index.php/post/2203>

counter-piracy efforts, Murphy contends, has been the failure to enter into meaningful engagement with Somalia's autonomous regions.²¹

While the aforementioned initiatives represent a step forward in long-term strategic thinking, maritime security capacity-building programs at present remain underfunded, uncoordinated, and *ad hoc* ventures. According to Oceans Beyond Piracy's calculations, the total 2011 cost of all regional counter-piracy organizations was \$21.3 million - roughly 2% of the \$1.27 billion spent by the international community on naval counter-piracy efforts.²² As a report from the Konrad Adenauer Foundation concludes, "the international community seems to be more focused on protecting trading routes than on assisting the long-term development of Somalia [or the wider region]."²³ Considerable resources have been spent fighting the symptoms of Somali piracy, but scant attention has been paid to addressing the root causes.

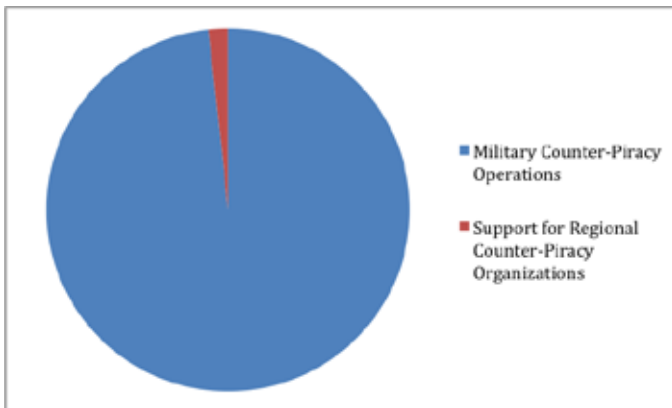


Figure 12.2 Counter-Piracy Expenditures by National Governments 2011²⁴

²¹ Martin Murphy, *Somalia, the New Barbary? Piracy and Islam in the Horn of Africa*, London, Hurst & Co, 2011, p. 174.

²² Bowden and Basnet, p. 27.

²³ Benjamin-Tedla Hecker, "Combating Piracy Around the Horn of Africa", *Konrad Adenauer Stiftung*, Berlin, January 2012.

²⁴ Bowden and Basnet, p. 27.

Towards an Enduring Counter-Piracy Partnership

If Somali piracy is to be combated in a sustainable manner, it is imperative that NATO - in conjunction with partner states and organizations - begin shifting resources away from a military-centric counter-piracy strategy and towards a program for regional maritime security capacity building. The objective of capacity building is to enable regional authorities to meet the challenges of piracy by themselves in the long term. For the affected regional states, this requires international assistance in training personnel, procuring and equipping vessels and bases, and providing radar installations, aerial surveillance and intelligence support. For Puntland and Galmudug this will also entail additional support for the development of coastal infrastructure and security institutions.

While a number of channels for capacity building have been created, a report by the Danish Ministry of Foreign Affairs recognizes that “there is no single coherent strategy for building coast guard capacity in the maritime area, and no comprehensive framework for the efforts.”²⁵ In order to rectify this problem, NATO and the AU - working through the regional channels of the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) - should establish a new “Maritime Security Dialogue”, through which the Alliance and its partners will provide training, equipment and logistic support to littoral states that request it. Partnership opportunities would also be open to Arab states affected by piracy, such as Yemen, Oman, and the UAE, as well as other maritime powers engaged in counter-piracy operations such as China, India and Japan. While it is proposed that NATO take a lead role in establishing the Dialogue, the Alliance must also work closely with the EU, UN, IMO and other relevant international organizations.

²⁵ “Strategy of the Danish Counter-Piracy Effort 2011-2014”, *Ministry of Foreign Affairs*, May 2011, pp. 32-33.

Noting that NATO and the AU have differed on issues of state sovereignty and Western intervention, it is essential that the proposed Maritime Security Dialogue be cemented as an equal partnership and seen to be mutually beneficial by both NATO and AU members. In this endeavor, there are several useful precedents to draw from.

By the turn of the 21st century, piracy had become a major problem in the Strait of Malacca. The littoral states of Malaysia, Indonesia and Singapore all had their own counter-piracy operations, but cooperation between them was not forthcoming because of concerns over territorial sovereignty. China and Japan, who had vested interests in the waterway, offered to patrol with their own ships, but were rebuffed - again because of concerns over sovereignty infringement.²⁶ Both of these issues were overcome through the establishment of cooperative institutions. In 2004, sixteen nations signed the Regional Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP), the first multinational treaty dedicated solely to combating piracy.²⁷ The following year Indonesia, Malaysia and Singapore established an organization called MALSINDO (later joined by Thailand), to coordinate joint sea patrols and aerial surveillance, exchange intelligence and allow counter-piracy operations within each other's maritime boundaries.²⁸

Eager states outside the region were finally brought into the fold in 2007, with the establishment of the "Cooperative Mechanism". The agreement allowed wealthier user states (such as the US, South Korea, China and Japan) to help the littoral countries build up their maritime security capacity. This marked the first time the two groups of countries

²⁶ John S. Burnett, *Dangerous Waters: Modern Piracy and Terror on the High Seas*, London, Hurst & Company, 2009, p. 164.

²⁷ James Kraska and Brian Wilson, "Piracy Repression, Partnering and the Law", in *Journal of Maritime Law and Commerce* 40, 2009, p. 54.

²⁸ Struwe, p. 22.

had effectively cooperated in counter-piracy operations.²⁹ The effect of these cooperative institutions has been a dramatic reduction in the number of pirate attacks in South East Asia.

NATO itself has several models to draw from when attempting to lay down the framework of a new cooperative program. Recognizing the importance of shared maritime security, the Alliance's Mediterranean Dialogue has engaged seven non-NATO members in an effort to build stability and mutual understanding in the region.³⁰ Practical cooperation has included joint workshops, exchange courses, military exercises, port visits, and training and funding programs.³¹ The key principles of the Mediterranean Dialogue - including non-discrimination, non-imposition, and two-way engagement - could also act as useful guidelines when navigating the sensitivities of an AU-NATO Maritime Security Dialogue.

This is not entirely new territory, as the Alliance is already assisting the AU Mission in Somalia (AMISOM) with air- and sealift logistics and strategic planning support. At the AU's request, NATO has also engaged in capacity-building and training programs for the developing African Standby Force.³² Although the AU has not traditionally prioritized maritime security, the 2009 Durban Resolution was intended to promote "regional coordination and monitoring of maritime activities aimed at the improvement of maritime safety [and] security", and appealed to the international community for assistance in this endeavor.³³ Given their shared interest and past operational

²⁹ James Kraska and Brian Wilson, "Maritime Piracy in East Africa", in *Journal of International Affairs* 62, 2009, p. 61.

³⁰ These members include: Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia.

³¹ "NATO Mediterranean Dialogue", *North Atlantic Treaty Organization*, http://www.nato.int/cps/en/SID-E9E7033D-B5601D6B/natolive/topics_60021.htm? (accessed 15 February, 2012).

³² "NATO Assistance to the African Union", *North Atlantic Treaty Organization*, http://www.nato.int/cps/en/natolive/topics_8191.htm (accessed 15 February, 2012).

³³ "Durban Resolution on Maritime Safety, Maritime Security and Protection of the Marine Environment in Africa", *Second African Union Conference of Ministers Responsible for Maritime Transport*, 12-16 October, 2009, Durban, South Africa.

experience, NATO and the AU are thus well positioned to closely cooperate on a new Maritime Security Dialogue. When attempting to lay the foundation for a joint capacity-building program, there are five main areas that need to be considered: regional naval cooperation, equipment and vessel procurement, training, intelligence coordination, and engagement with Somalia's autonomous units.

While ships assigned to Operation Ocean Shield have already made a number of port visits to African partner nations, it is advised that NATO deepen this engagement by conducting more joint counter-piracy exercises with regional players, particularly those that fall outside of the current international patrol areas. In an effort to further improve interoperability, NATO should support and cooperate with existing combined regional maritime operations, such as those being undertaken by Tanzania, Mozambique and South Africa under the SADC umbrella.³⁴ In order to increase the indigenous capacity of regional states, NATO members should consider donating vessels and equipment that are ready to be decommissioned. Given that the pirate gangs are often better equipped than regional coastguards, it is also advisable that boats and navigation equipment seized from pirates be turned over to regional authorities, rather than destroyed as is commonly the case. The EU's counter-piracy force set a useful precedent in this regard when it gave six powerful outboard motors confiscated from pirates to the Djiboutian Navy.³⁵

NATO has the most highly trained and specialized maritime forces in the world, and it is imperative that this expertise be offered to the regional states that will become the bulwark against piracy when the international flotilla eventually departs. While individual NATO

³⁴ "SA signs pact with Mozambique, Tanzania", *Business Report, SA Time*, February 7, 2012, <http://www.iol.co.za/business/business-news/sa-signs-pact-with-mozambique-tanzania-1.1229213>

³⁵ "EU NAVFOR transfers pirates' outboard engines to the Djiboutian Navy", *EU NAVFOR Public Affairs Office*, December 13, 2011, <http://www.eunavfor.eu/2011/12/eu-navfor-transfers-pirates%E2%80%99-outboard-engines-to-the-djiboutian-navy/>

members have engaged in bilateral training programs, it is in the interest of regional cooperation and interoperability that a common training center be established, ideally building on the basis of the maritime training center which is already being developed in Djibouti.³⁶

In order to tackle piracy and other maritime crimes in a more informed and coordinated manner, East Africa requires a headquarters that functions as an intelligence-sharing and reporting center. Given the role that members of the Somali diaspora play in raising capital for pirate ventures, intelligence sharing is particularly pertinent to the tracking and prosecution of pirate financiers. The establishment of ReCAAP's information sharing center in Singapore was instrumental in the fight against piracy, as it gave participating states common access to intelligence regarding the weapons, vessels and movements of regional pirate gangs. A quorum of maritime security experts agreed that the creation of a similar "nerve center" for East Africa is "essential to shifting the responsibility toward regional states."³⁷ The incipient information center established in Mombasa provides a starting block for further expansion.

A committed international engagement with Somalia's autonomous regions - primarily Somaliland, Puntland, and Galmudug - is the most important aspect of a long-term counter-piracy policy. It is imperative that these sub-state units be treated as autonomous actors within the Maritime Security Dialogue, as it is acknowledged that it is currently "not possible to build a national Somali coastguard due to the absence of an effective central government."³⁸ That said, it is crucial that NATO and its members do not interfere with the process of political

³⁶ "Regional training centre in Djibouti – foundation stone laid", *Media Centre, International Maritime Organization*, October 31, 2011, <http://www.imo.org/MediaCentre/PressBriefings/Pages/52-djibouti-training-centre-stone.aspx>

³⁷ James Kraska, "Fresh Thinking for an Old Problem", in *Naval War College Review* 62, October 2009, p. 151.

³⁸ "Strategy of the Danish Counter-Piracy Effort 2011-2014", p. 32.

reconciliation currently underway in Somalia. Building up security institutions in Puntland and other areas does not mean that international donors must abandon the country's Transitional Government. Both could continue to be supported, reminiscent of the "building block approach" that dominated Somali developmental assistance in the late 1990s.³⁹

NATO and other foreign actors have traditionally been reluctant to engage local institutions, as it was feared that they were corrupt and infiltrated by pirates.⁴⁰ However, this situation has changed dramatically in recent years, as the government of Puntland passed the country's only anti-piracy law and has arrested and imprisoned more pirates than any other nation.⁴¹ Before its financial suspension, the Puntland Marine Police Force established a garrison in Bosaso and bases in the villages of Qaw and Eyl, from which it launched operations against pirate hubs in the previously inaccessible Bari and Bargaal regions.⁴² With the UAE suddenly cancelling its funding of the PMPF, there is the very real threat that the project will be abandoned by the international community and that Puntland's counter-piracy achievements will unravel – to the detriment of the entire region. NATO member states are well placed to fill this gap, a process that would be streamlined by the professional training and operational experience the PMPF has already gained.

Jay Bahadur, one of the few Western journalists to spend significant time in Puntland, has recommended that NATO and other foreign partners help fund Puntland's coastal police services and assist with the development of roads, radar stations, and other forms of basic

³⁹ Hansen, p. 60.

⁴⁰ Hansen, p. 57.

⁴¹ Robert Young Pelton, "Plunder, Politics, Presumption and Puntland", *Somalia Report*, January 14, 2012, <http://www.somaliareport.com/index.php/post/2530>

⁴² Robert Young Pelton, "Pirate Leader Isse Yulux on the Run", *Somalia Report*, June 03 2012, <http://www.somaliareport.com/index.php/post/3413>

infrastructure.⁴³ Previous privately commissioned Puntland coastguard efforts have failed - with trained coastguards turning to piracy themselves - when the security training companies have withdrawn or funding has dried up.⁴⁴ Learning from these lessons, continued funding, support and oversight from local authorities and foreign partners will be essential to the PMPF's future success.

Local intelligence networks could also be improved, simply by providing coastal communities with mobile phones and establishing an anti-piracy tip line that would provide modest rewards for information about the activities of pirate gangs.⁴⁵ Channels should then be established to share local intelligence with regional and international naval forces.

NATO and its partners would also benefit from closer engagement with Somaliland, as the territory has succeeded in implementing an effective, locally developed counter-piracy policy and strategy that has prevented the crime from taking root. Once a maritime security capacity-building program has been implemented in Puntland, it could then serve as a model for Galmudug - a sub-state with weaker institutions, but an espoused commitment to clamp down on piracy. Implementing these recommendations, Bahadur argues, "would not require additional foreign aid to Somalia, but rather the reinvestment of the hundreds of millions of dollars already being spent on the bloated - and largely ineffectual - international marine flotillas."⁴⁶

⁴³ Jay Bahadur, *The Pirates of Somalia: Inside their Hidden World*, Pantheon, New York, 2011, p. 250.

⁴⁴ Mary Harper, *Getting Somalia Wrong? Faith, War and Hope in a Shattered State*, Zed Books, London, 2012, pp. 158-159.

⁴⁵ Bahadur, p. 251.

⁴⁶ Bahadur, p. 252.

The Benefits of a Better Way Forward

To bring an end to Somali piracy NATO and its partners will have to work more closely with the AU and its member states, with the aim of building up indigenous maritime security capacity both within Somalia's autonomous states and throughout the region as a whole. While relations between the AU and NATO have at times been strained and plagued with mutual suspicions, counter-piracy capacity building offers a unique opportunity to develop a more trusting and cooperative relationship between the two organizations. Apart from mitigating the financial and human costs of piracy, the recommendations outlined above should also serve to increase regional integration, deter and disrupt other types of maritime crime, and bring a plethora of economic benefits to the region.

By working towards “African solutions to African problems”, a redirection of NATO's counter-piracy efforts from naval operations to capacity building should help assuage regional concerns that national sovereignty is being violated. Operational cooperation, information sharing, and joint training are expected to contribute to mutual trust between NATO and the AU, and also strengthen regional integration.⁴⁷ Reinforcing maritime security in East Africa will also serve to combat illegal fishing, weapons trafficking and human smuggling. Coastal infrastructure development, coupled with coastguard training programs, could generate increased income for regional states and offer alternative sources of livelihood in pirate-prone areas. Particularly relevant to both NATO and the AU is the effect that a more secure marine environment will have on the maritime logistics of terrorist groups such as al-Shabaab. As terrorism expert Brian Michael Jenkins notes, “whatever means [are used] to suppress piracy will have a ‘knock-on’ effect of making the operating environment more difficult

⁴⁷ “Strategy of the Danish Counter-Piracy Effort 2011-2014”, p. 33.

for terrorists.’⁴⁸

NATO and its partner organizations have recognized that indigenous maritime security capacity building offers the only sustainable solution to the piracy crisis, but there appears to be a lack of institutional will to change course. At present, NATO’s AU partnership policy generally does not include funding or equipment procurement, and this will have to be modified so as to make capacity building truly successful. Though resources are currently stretched thin, this plan offers a more cost-effective strategy for the Alliance, as the costs of operating a frigate for six months could be used to pay the wages of 33,000 local police officers for the same period.⁴⁹ Capacity building will require significant initial investments, making it imperative that bilateral donors coordinate their efforts with other members of the Alliance and synergize their efforts with international organizations such as the EU and UN. If the international community is able to change course successfully, NATO, the AU and the wider world will reap the benefits of a more effective maritime security policy long after the pirates have been driven from the sea.

⁴⁸ Martin Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World*. London, Hurst & Co, 2009, p. 410.

⁴⁹ Hansen, p. 61.

13

The Maritime Dimension of AU-NATO Relations: The Case of the Gulf of Guinea

José Francisco Pavia

Introduction

The maritime dimension of the new threats identified in NATO's 2010 Strategic Concept is immensely relevant if one considers the importance of the sea for today's globalized economy as a whole – and in particular for the Atlantic Alliance, which owes a great deal of its success to free use of the oceans. The *Alliance Maritime Strategy* (AMS), released to the public in March 2011, was the first strategic document approved after the 2010 Lisbon Summit. The document specifically includes combined naval power in the list of maritime security functions, expressly recognizing that collective security is unattainable without safety at sea. Another specific indication of the document is the need for Allied naval forces to support law enforcement, combat seaborne proliferation of weapons and protect the freedom of navigation. The Gulf of Guinea is under threat of pirate attacks which can cause serious problems to the flow of goods like oil and natural gas, two of the main exports of states like Nigeria, Angola, Equatorial Guinea and others in the sub-region. Such is the background against which this paper will discuss the need for cooperation between NATO and the African Union (AU) in ensuring the security of sea lanes, with a view to avoiding the creation of a new danger zone like the Gulf of Aden or the coastal waters of Somalia.

The Maritime Dimension of AU-NATO Relations to Date: A Brief Overview

In June 2006 NATO held a large-scale two-week military exercise in the West African island nation of Cape Verde, a country with a singular geostrategic position between Africa, Europe and the Americas. Codenamed Steadfast Jaguar, the exercise involved almost 8,000 troops from 25 of the Alliance's 26 members at the time. The success of this, the Alliance's first military exercise in sub-Saharan Africa, demonstrated that NATO has the capacity to deploy troops and materiel over long distances and to protect the sea routes from and into the oil-rich region of the Gulf of Guinea. Steadfast Jaguar was also the first joint ground, sea and air operation conducted for, and by, the global NATO strike force.

In July 2007 an Alliance fleet, the Standing NATO Maritime Group One (SNMG1), deployed from the Spanish naval base of Rota and started the first circumnavigation of Africa under the NATO flag. The fleet consisted of USS Normandy (the SNMG1 flagship, an American Ticonderoga-class cruiser), HNLMS Evertsen (a Dutch Zeven Provinciën-class air defence and command frigate), NRP Alvares Cabral (a Portuguese Vasco da Gama-class frigate and the only ship equipped with a helicopter for the deployment), HDMDMS Olfert Fischer (a Danish Niels Juel-class corvette), FGS Spessart (a German Rhone-class replenishment tanker), as well as HMCS Toronto (one of Canada's Halifax-class frigates). This historical enterprise was a success and, in the words of Angus Topshee, "[...] For NATO, there were two principal objectives of the trip around Africa. The first was to demonstrate that NATO was able to deploy a large and capable maritime force outside of its traditional AOR (Area of Responsibility) in the North Atlantic and Mediterranean. [...] The second objective of the circumnavigation was to develop NATO's Maritime Situational Awareness (MSA) around Africa. NATO's interest in MSA ranged from

the simple gathering of climate and oceanographic data in support of future operations to more complex assessments of the security situation around Africa and the capabilities of African coastal states in terms of maritime security.”¹

Between 2008 and 2009, NATO launched three operations in East Africa. The first of these was Operation Allied Provider (October-December 2008), “which involved counter-piracy activities off the coast of Somalia. Responding to a request from UN Secretary-General Ban Ki-moon, NATO naval forces provided escorts to UN World Food Programme (WFP) vessels transiting through the dangerous waters in the Gulf of Aden, where growing piracy has threatened to undermine international humanitarian efforts in Africa.”² After this came Operation Allied Protector (March-August 2009), “a counter-piracy operation, to improve the safety of commercial maritime routes and international navigation off the Horn of Africa. The force conducted surveillance tasks and provided protection to deter and suppress piracy and armed robbery, which are threatening sea lines of communication and economic interests.”³ This was followed by the ongoing Operation Ocean Shield, with a focus “on at-sea counter-piracy operations off the Horn of Africa. Approved on 17 August 2009 by the North Atlantic Council, this operation is contributing to international efforts to combat piracy in the area. It is also offering, to regional states that request it, assistance in developing their own capacity to combat piracy activities.”⁴ This last operation has a far broader aim than the previous ones, focused as it is on the principle that “counter-piracy is won on land.”⁵

¹ Angus Topshee, *Circumnavigating Africa, A Sign of Things to Come?*, Frontline Defence n. 3, May 2008, http://www.frontline-canada.com/Defence/index_archives.php?page=1611 (accessed 03 Feb 2012).

² NATO, *NATO Operations and Missions*, 2011, http://www.nato.int/cps/en/natolive/topics_52060.htm (accessed 03 Feb 2012).

³ *Ibid.*

⁴ *Ibid.*

⁵ Luís Eduardo Saraiva and Pierre-Michel Joana, “A Pirataria Desarma-se em Terra: o Caso da

In the meantime, from 12 to 16 October 2009, the AU maritime transport ministers held a conference in Durban, South Africa.⁶ In the resulting *Durban Resolution* they declared their shared commitment to tackle issues in the fields of maritime safety and security, transport and environmental protection; they also invited “the Commission of the African Union to take all appropriate measures to, under its coordination, accelerate the implementation of various United Nations instruments relating to maritime safety, maritime security and the protection of the marine environment.”⁷ The African states recognized the AU’s leadership in the domain of maritime security, and thus its capacity to negotiate with other international organizations. This statement could not only constitute the framework for a real commitment by the AU regarding issues of maritime strategy, but could also empower the Commission to call attention to them and take active initiatives towards a more secure and protected sea environment.⁸

At the NATO Lisbon Summit of November 2010, the Alliance adopted the new Strategic Concept where it emphasizes “Cooperative Security” as one of its main core tasks alongside Collective Defence and Crisis Management. “Cooperative Security” means that “[...]

Somália”, *Relações Internacionais*, n. 31, September 2011, pp. 85-97. In this paper the authors argue that “the normalization of the Somali situation with the return of the rule of law depends on the conditions created through development aid and the reconstruction of ‘rule of law structures’ . [...] For that purpose it will be necessary to provide resources to entities and organizations, such as the African Union, as well as to the Somali political structures which have the political and strategic conditions to achieve it.”

⁶ Michael L. Baker, *Toward an African maritime Economy: Empowering the African Union to Revolutionize the African Maritime Sector*, Naval War College Review, Spring 2011, Vol.64, n. 2, <http://www.usnwc.edu/getattachment/b49b0b07-c0a4-41e1-964d-dc37cf03e0b0/Toward-an-African-Maritime-Economy--Empowering-the> (accessed 1 Dec 2011).

⁷ Durban Resolution, http://www.africa-union.org/root/ua/conferences/2010/avril/psc/07avril/African_Union_Member_States_06-07_April_2010_Experts_Meeting_on_Maritime_Security_and_Safety_Strategy-Documentation/African%20Maritime%20Transport%20Charter%20Durban%20Resolution.doc (accessed 30 Mar 2012).

⁸ The most comprehensive document in an attempt to forge a real maritime strategy in Africa is “Maritime Development in Africa”, a discussion paper produced by the Brenthurst Foundation in association with the African Union Commission and the African Center for Strategic Studies. Unfortunately, it remains a discussion paper and not policy guideline. Cfr. Maritime Development in Africa, http://www.thebrenthurstfoundation.org/Files/Brenthurst_Commissioned_Reports/BD1003_Maritime-Development-in-Africa.pdf (a. it NATO should engage in a, last accessed 30 Mar 2012).

the Alliance will engage actively to enhance international security, through partnership with relevant countries and other international organizations [...].”⁹ In this respect, paragraph eleven states: “Instability or conflict beyond NATO borders can directly threaten Alliance security, including by fostering extremism, terrorism, and trans-national illegal activities such as trafficking in arms, narcotics and people.”¹⁰ In addition, paragraphs thirteen and nineteen stress the importance of “the vital communication, transport and transit routes on which international trade, energy security and prosperity depend.”¹¹ Finally, the document emphasizes the need for the Alliance to prevent conflicts and anticipate crises, taking necessary actions to avoid the escalation and deterioration of problematic situations. Thus, paragraph twenty-five says in essence that crisis management depends on pre-emption through preventive diplomacy and a Comprehensive Approach, which is exactly what this paper will propose below for the Gulf of Guinea sub-region.

As stated earlier, the AMS was released in March 2011. It was thus the first strategic document approved after the Lisbon summit and, like the new Strategic Concept, highlights “Cooperative Security” as a strategic option for the Alliance. As already mentioned, the document points out “the maintenance of the freedom of navigation, sea-based trade routes, critical infrastructure, energy flows, protection of marine resources and environmental safety are all in Allies’ security interests.”¹² Section IV, paragraph sixteen states the importance of the Comprehensive Approach, as well as the relevance of relationships with national and international actors like the United Nations (UN) or the European Union (EU) – and to which the AU could also conceivably be added – as valuable partners in pursuit of the objectives indicated.

⁹ NATO, *Strategic Concept*, Brussels, NATO Public Diplomacy Division, 2010, p. 8.

¹⁰ *Ibid.*, p. 11.

¹¹ *Ibid.*, pp. 12, 15.

¹² NATO, *Alliance Maritime Strategy*, 2011, http://www.nato.int/cps/en/SID-41426331-6494A785/natolive/official_texts_75615.htm (accessed 13 Dec 2011).

Finally, on 31 October 2011, the UN Security Council adopted Resolution 2018 (2011), where it expresses its deepest concern regarding the situation in the Gulf of Guinea – namely the endemic piracy and armed robbery at sea – and the resulting threat to international navigation and the security of sea routes. In addition, it notes the need for international assistance in a Comprehensive Approach strategy and encourages regional organizations – namely the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) – to take actions to combat these threats. Finally, the document also encourages the international community to assist, upon request, the States in the region.¹³ As demonstrated above, there exists a sound legal framework for joint cooperation between NATO, the AU and the regional organizations concerning the challenges in the Gulf of Guinea. Such a prospect will be discussed below, in the third section of this paper.

The Gulf of Guinea: Geopolitical and Geo-Economic Considerations

For geopolitical and geo-economic purposes, this paper will consider the Gulf of Guinea as an area that stretches from the shores of Dakar, in Senegal, to the coastline of Angola – in other words, roughly the area under MOWCA (Maritime Organization of West and Central Africa) supervision. Map 13.1 below shows the twenty-five member states – five landlocked, and twenty with a coastline. This organization aims to reinforce cooperation between member states in the face of mounting piracy attacks, armed robbery, drug trafficking, and illegal exploitation of resources and terrorism. However, it has no binding

¹³ United Nations Security Council, *Resolution 2018 (2011)*, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNOWA%20S%20RES%202018.pdf> (accessed 03 Feb 2012).

authority and it lacks the funding to be effective.¹⁴ The other three regional organizations in the area are: ECOWAS, ECCAS, and the GGC. This is an area very rich in natural resources like oil, natural gas, iron ore, gold, diamonds, cobalt, copper, columbine-tantalite, uranium, chrome, tin, manganese, nickel, platinum, lead, coal, bauxite, cocoa, timber and fish.

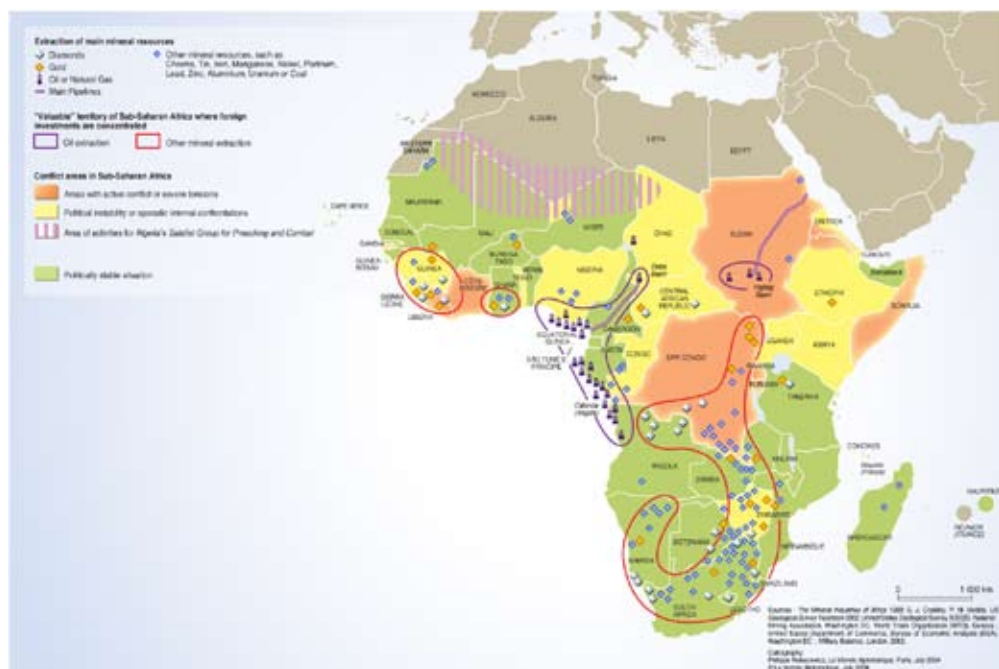


Map 13.1: Maritime Organization of West and Central Africa (MOWCA) (source: <http://www.amssa.net/framework/MOWCA.aspx>)

However, in spite of all this natural wealth, most of the countries

¹⁴ Michael L. Baker, *Toward an African Maritime Economy: Empowering the African Union to Revolutionize the African Maritime Sector*, Naval War College Review, Spring 2011, Vol.64, n. 2, <http://www.usnwc.edu/getattachment/b49b0b07-c0a4-41e1-964d-dc37cf03e0b0/Toward-an-African-Maritime-Economy--Empowering-the> (accessed 01 Dec 2011).

concerned suffer from the “paradox of plenty” syndrome, also known as the “natural resource curse”. They are beset with political instability and wars, bad governance, lack of transparency, high rates of poverty and misuse of public revenues. The well established correlation between mineral wealth and political instability is shown in Map 13.2 below:



Map 13.2: Extraction of Main Mineral Resources (source: Philippe Rekacewicz, *Le Monde Diplomatique*)

Three of the top oil and natural gas producers in sub-Saharan Africa are located in this region – namely Nigeria, Angola and Equatorial Guinea. All three suffer from the “natural resource curse”. However, this oil-rich region has several advantages:

1) It produces mostly “light sweet crude oil”, which is easier and cheaper to refine than Middle Eastern oil;

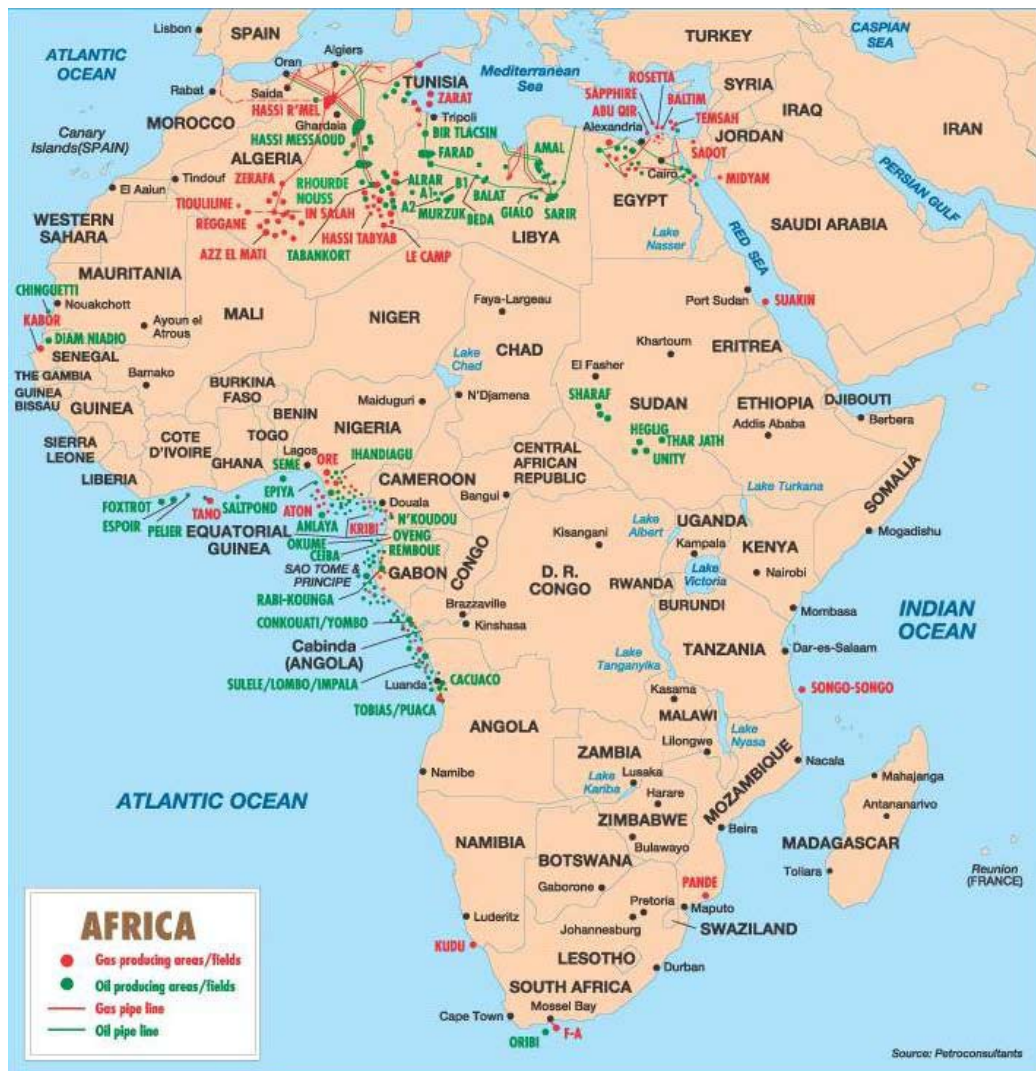
2) Most of the production is located offshore, which decreases transport and minimizes risk of disturbance and attacks;¹⁵

3) Relative proximity to two of the world main consumers of energy, North America and Western Europe, reduces the costs of transportation;

4) “The Gulf of Guinea benefits from the absence of maritime transit chokepoints between the region and those parts of the world. Major portions of world crude oil pass through the relatively narrow shipping maritime lanes known as chokepoints. All these channels are passages for important flows of oil carried out on oil tankers. However, the narrowness of the chokepoints makes them susceptible to blockades, pirate attacks and shipping accidents. The Gulf of Guinea is almost free of these risks.”¹⁶

¹⁵ Stephanie Hanson, *Vying for West Africa's Oil*, Council on Foreign Relations, 2007, <http://www.cfr.org/angola/vying-west-africas-oil/p13281> (accessed 25 Jan 2012).

¹⁶ “The world maritime lanes for oil transportation include the Strait of Hormuz leading out of the Persian Gulf through the Gulf of Oman and the Arabian Sea; the Strait of Malacca linking the oil supplies from the Middle East with the Asian major consuming markets by connecting the Indian Ocean to the South China Sea and the Pacific Ocean; the Bab el-Mandab connecting the Red Sea to the Gulf of Aden and the Arabian Sea; the Panama Canal linking the Pacific Ocean to the Atlantic Ocean through the Caribbean Sea; the Suez Canal passage from the Red Sea and Gulf of Suez to the Mediterranean Sea; and the Turkish Straits or Bosphorus linking the oil supplies from the Caspian Sea to the Mediterranean Sea markets through the Black Sea.” Damian Ondo Mañe, *The Emergence of the Gulf of Guinea in the Global Economy*, IMF Working Paper, December 2005, <http://www.imf.org/external/pubs/ft/wp/2005/wp05235.pdf> (accessed 03 Feb 2012).



Map 13.3: Oil and Gas Fields in Africa (source: Petroconsultants)

Map 13.3 above indicates the oil and gas fields in Africa. It is clear that the Gulf of Guinea is one of the principal resource rich areas, together with North Africa, and that most of its production is in coastal

areas, along a maritime strip that goes from Angola to Ivory Coast.

The importance of this region is reflected in the expectation that in three years' time, in 2015, it will provide 25% of United States (US) oil needs¹⁷ as the Americans attempt to limit dependence on the volatile region of the Middle East by diversifying sources of supply. There are nevertheless a number of threats that can jeopardize these opportunities, advantages and optimistic projections such as piracy attacks, drug trafficking, illegal migrant flows, and terrorism. All of these challenges stem from the poor ability of the states in the region to control their coastal areas and exercise sovereignty over their maritime territory and EEZ (Exclusive Economic Zone). As a result the "fragile states" – those incapable of providing security, justice and well-being for their populations – are easily used as safe havens by pirates, drug traffickers and terrorist networks. Unfortunately, this has already happened in most of the countries in the area.

In recent years the IMB (International Maritime Bureau) has, like other organizations, reported a substantial increase in the number of piracy attacks in the coastal waters of the Gulf of Guinea.¹⁸

¹⁷ James M. Bridger, *Act Now to Forestall West African Piracy*, Atlantic-Community.Org, 07 Nov 2011, http://www.atlantic-community.org/index/Open_Think_Tank_Article/Act_Now_to_Forestall_West_African_Piracy (accessed 03 Feb 2012).

¹⁸ ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships*, Annual Report 1 January – 31 December 2010, January 2011, http://www.icc-ccs.org/index.php?option=com_fabrik&controller=plugin&task=pluginAjax&plugin=fabrikfileupload&method=ajax_download&element_id=1529&formid=60&rowid=1&repeatcount=0&download=20690&type=2 (Accessed 10 Feb 2012). ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships*, Annual Report 1 January – 31 December 2011, January 2012, http://www.icc-ccs.org/index.php?option=com_fabrik&controller=plugin&task=pluginAjax&plugin=fabrikfileupload&method=ajax_download&element_id=1529&formid=60&rowid=1&repeatcount=0&download=20690&type=2 (accessed 10 Feb 2012).



Source: IMB Piracy Reporting Center

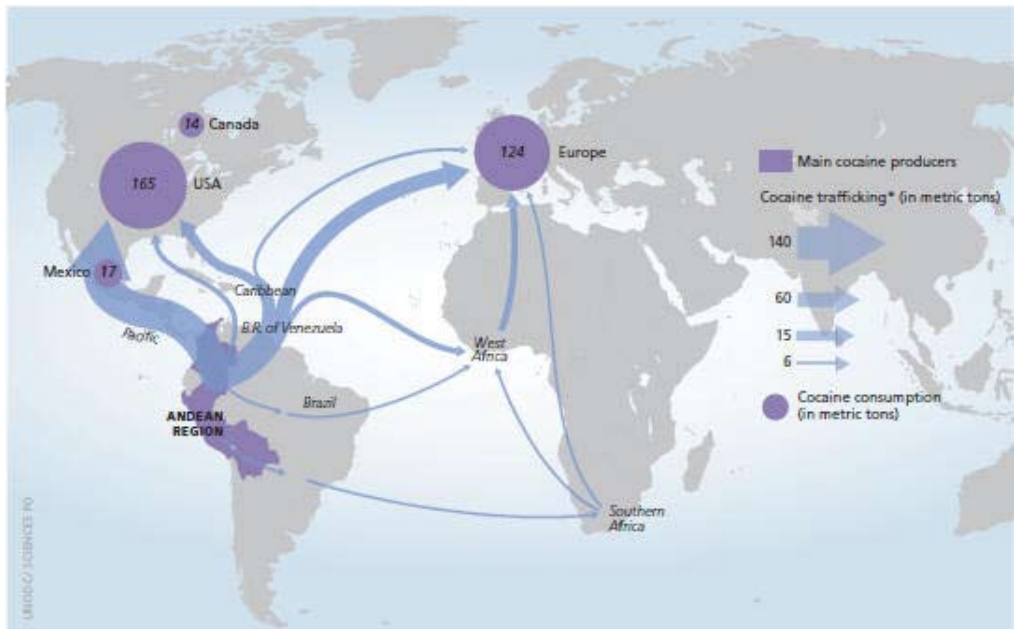
Map 13.4: 2011 Incidents of Maritime Piracy

This danger is illustrated in Map 13.4 above. The Gulf of Guinea is, together with the Gulf of Aden region and the Malacca Straits, one of the most dangerous areas in terms of maritime piracy. The human costs are considerable, since the pirates there tend to commit brutal acts of armed robbery and not hold hostages to ransom as is the case in the Gulf of Aden region. The economic costs of piracy, which in the case of Somalia are estimated at several billion dollars,¹⁹ are related to a number

¹⁹ Anna Bowden et al, *The Economic Cost of Maritime Piracy*, One Earth Future Working Paper, 2010, http://oceansbeyondpiracy.org/sites/default/files/documents_old/The_Economic_Cost_of_Piracy_Full_Report.pdf (accessed 12 Dec 2011). Anna Bowden et al, *The Economic Cost of Maritime Piracy*, One Earth Future Working Paper, 2011, <http://www.saveourseafarers.com/assets/files/ECOP%20Full%20Report%202011.pdf> (accessed 12 Feb 2011).

of factors: ransoms, piracy insurance, security equipment and guards, re-routing, need for increased speed, prosecutions and imprisonment, labour, military operations, and general regional impact. While the situation in the Gulf of Guinea region is for the moment less critical than in Somalia, its expected economic impact is arguably comparable.

The other challenge or threat in the region is the need to deal with drug trafficking and its consequences. Map 13.5 below shows that West Africa is a major transit point for cocaine.



Map 13.5: Cocaine Trafficking (source: *Global Cocaine Flows – WDR 2010*)

In a region already affected by poverty and pandemics, drug money is subverting fragile economies and rotting society. Using threats and bribes, drug traffickers are infiltrating state structures and operating

with impunity.²⁰ The case of Guinea-Bissau is a well-known example of how drug money can weaken state structures and make the whole of society fragile, thus exacerbating political conflicts and transforming the country into a potential safe haven for terrorist networks. The fragility of the state and its inability to control and monitor its maritime boundaries are direct consequences of its poverty. This is a clear example of the nexus between security and development – i.e. without security there can be no development, and without development there can be no security. The perils of this situation are well illustrated in a recent *New York Times* article: “[...] This raises a host of concerns. Narco-corruption imperils the continent’s recent unprecedented economic boom, which averaged 5 percent annually over the last decade and is projected to outstrip all other regions in the next five years. Likewise, roughly 60 percent of African countries are now on a democratic path, a trend that could easily be reversed with the instability brought on by drug networks. Trafficking also threatens to destabilize an increasingly vital supplier to global oil and gas markets, including a fifth of US oil imports. Ominously, Africa’s growing drug trade is also amplifying a range of international security threats. Hezbollah and Al-Qaeda in the Islamic Maghreb have become involved in narco-trafficking. They earn millions from Africa’s cocaine trade. Much of this money may go to purchasing the sophisticated weaponry that has flooded Africa’s black markets following the fall of the Qaddafi regime, including Semtex explosives popular with terrorist groups that were recently seized by Nigerian security units following a battle with Al-Qaeda militants.”²¹

Illegal immigration flows and human smuggling are also problems that affect the countries in the Gulf of Guinea region. While they are not on the same scale as in the Mediterranean region, they are a source of concern for the authorities in both Europe and Africa. The root

²⁰ Amado Philip de Andrés, *Organized Crime, Drug Trafficking, Terrorism: The New Achilles Heel of West Africa*, FRIDE, 2008, http://www.fride.org/download/com_achilles_heel_eng_may08.pdf (accessed 12 Dec 2011).

²¹ David O’Regan, Narco-States: Africa’s Next Menace, *The New York Times*, 12 March 2012.

causes are lack of opportunity, political conflict and an impoverished situation that leaves no prospects for jobless young people.

The terrorism threat is linked with such situations, and terrorist networks can take advantage of the fragility of states. The Al-Shabaab movement in Somalia is a case in point: Al-Shabaab militias took advantage of the Somali situation to establish themselves. Recently they announced their allegiance to the leader of Al-Qaeda, Ayman al-Zawahiri. From safe havens in Somalia they launch terrorist attacks, like the one in Kampala (Uganda) in 2010. In the Gulf of Guinea states, Nigeria is the most problematic case in terms of the terrorist threat. Recently a terrorist attack by Boko Haram against a police station in the city of Kano killed several people, including civilians. Boko Haram has connections with AQIM (Al-Qaeda in the Islamic Maghreb) and with Al-Shabaab in Somalia. Terrorist attacks in Nigeria, namely in the Niger delta region, can disrupt oil production and cause serious problems in terms of supply to the US and Europe.²² These attacks in the Niger Delta Region are – as far as is known – not connected with the Boko Haram terrorist group, being linked to separatist groups that want more central government funding for their respective regions. Another case of separatist terrorism is the FLEC (Frente de Libertação do Enclave de Cabinda), in the oil-rich Angolan enclave of Cabinda: when Angola hosted the last African Cup of Nations in 2010, the FLEC attacked the national soccer team of Togo and caused a number of casualties. However, it has been impossible for FLEC to target the offshore oil platforms.

A further source of potential conflict – and thus insecurity – in the region is the ongoing process by which the continental shelf is being extended. The 1982 Montego Bay Convention on the Law of

²² Portugal, for example, imports 20% of its oil and 40% of its natural gas from Nigeria. Catarina Mendes Leal, *As Relações Energéticas entre Portugal e a Nigéria: Riscos e Oportunidades*. IDN Cadernos nº 3, Lisboa, Instituto de Defesa Nacional, Maio de 2011, pp. 65-66.

the Sea, also known as the United Nations Convention on the Law of the Sea (UNCLOS), states: “The Exclusive Economic Zone or (EEZ) is a region that stretches a distance of no more than 200 nautical miles from a nation’s baselines.”²³ Generally, the rules regarding the High Seas as set out in Articles 88 to 115 apply to the EEZ.²⁴ The following thus applies: “Within its EEZ, a nation may explore and exploit natural resources (both living and inanimate) found both in the water and on the seabed, may utilize the natural resources of the area for the production of energy (including wind and wave/current), may establish artificial islands, conduct marine scientific research, pass laws for the preservation and protection of the marine environment, and regulate fishing.”²⁵ The continental shelf is “a real, naturally-occurring geological formation. It is a gently sloping undersea plain between the above-water portion of a landmass and the deep ocean. The continental shelf extends to what is known as the continental slope, a point at which the land descends further and marks the beginning of the ocean itself. It is host to most of the world’s oceanic plant and animal life and plays a vital role in energy production, from offshore oil and gas reserves to renewable energy resources.”²⁶ Maritime states (including those in the Gulf of Guinea) have now the opportunity to extend their EEZ rights up to 350 nautical miles; to do so, they have to deposit their claim with the Commission on the Limits of the Continental Shelf (CLCS). Such a claim is a scientific and legal document in which the state presents the grounds on which it is based. This entails the need for a previous study of the seabed, including the geophysics, the tectonics and also the legal justification. Most African states lack the financial and scientific resources to fulfill these requirements. In addition, claims are mostly in conflict with those of neighbors and this can be a serious cause of

²³ United Nations Convention on Law of the Sea (UNCLOS), 1982, [http://www.eoearth.org/article/United_Nations_Convention_on_Law_of_the_Sea_\(UNCLOS\)_1982](http://www.eoearth.org/article/United_Nations_Convention_on_Law_of_the_Sea_(UNCLOS)_1982) Art. 57 (accessed 10 Mar 2012).

²⁴ *Ibid.*, Art. 58.

²⁵ *Ibid.*, Art. 56; Art. 61-64.

²⁶ United Nations Convention on Law of the Sea (UNCLOS), 1982, [http://www.eoearth.org/article/United_Nations_Convention_on_Law_of_the_Sea_\(UNCLOS\)_1982](http://www.eoearth.org/article/United_Nations_Convention_on_Law_of_the_Sea_(UNCLOS)_1982) (accessed 10 Mar 2012).

maritime border disputes, leading to instability and insecurity. There are already numerous cases of this – for example, between Angola and the Democratic Republic of Congo, Cameroon and Nigeria, Guinea-Bissau and Senegal, Equatorial Guinea and Cameroon.

A Possible Maritime Strategy Partnership Between NATO and the AU, with Special Emphasis on the Gulf of Guinea

NATO and the AU already have a partnership in Somalia, with the Alliance supporting the African Union Mission in Somalia (AMISOM) after previously having given support to the AMIS and UNAMID missions in the Sudanese province of Darfur. NATO is currently also providing assistance to the African Standby Force (ASF) brigades, which could be the peacekeeping forces of the AU in the near future.²⁷ Operation Ocean Shield, mentioned above, is a good example of an international partnership with a strong maritime dimension, and it could be a role model for a similar operation in the Gulf of Guinea. In consideration of its success, Ocean Shield was recently extended for a further two years until the end of 2014. However, prospective future action in the Gulf of Guinea must be broader in scope than an exclusively maritime operation and ensure implementation of the “Comprehensive Approach” – for example, in “assisting the regional States to develop their own capacity to combat piracy activities.”²⁸ Such an operation should engage NATO, the AU and the regional organizations mentioned above, within the legal framework provided by the United Nations Security Council as stated in UN Security Council Resolution 2018 (2011).²⁹

²⁷ NATO, *NATO Assistance to the African Union*, 2011, http://www.nato.int/cps/en/natolive/topics_8191.htm (accessed 15 Dec 2011).

²⁸ NATO, *NATO Operations and Missions*, 2011, http://www.nato.int/cps/en/natolive/topics_52060.htm (Accessed 03 Feb 2012).

²⁹ United Nations Security Council, *Resolution 2018 (2011)*, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNOWA%20S%20RES%202018.pdf> (ac-

The AU member states and the AU itself have already adopted the 2009 *Durban Resolution*, as mentioned above, and other measures like the *Djibouti Code of Conduct* (also dated 2009). These are complemented by regional initiatives like the *ECCAS (Economic Community of Central African States) Maritime Safety and Security Strategy* and the *MOWCA Agreements*, mentioned at the beginning of the previous section. There are already several agreements and good intentions on the part of the African players but, as François Vrey has said: “A clear understanding of and commitment to maritime security by African players is evident, but progress towards an operational capability appears intermittent and weak and unfortunately shows a foreign rather than African presence.”³⁰

Creating a collective regional security system in this setting could be an example of a mutual interest partnership, since the regional states would benefit from the resulting increase in security while NATO members could rely on safe sea lanes – especially for the transport of oil and natural gas. The entire international community would benefit from more secure sea lanes. China, for example, imports a large amount of its oil from this region, especially from Angola. Some authors³¹ argue that “in West Africa collective arrangements with a maritime imperative are growing”, and that “a collective security system in the Central/South Atlantic would contribute to the security of the North Atlantic.”³²

It should be remembered that there is some reluctance in several African states to accept NATO’s presence on the continent. The Alliance’s operation in Libya was controversial and the AU itself

cessed 03 Feb 2012).

³⁰ François Vrey, *Bad Order at Sea: From the Gulf of Aden to the Gulf of Guinea*, African Security Review, 2009, <http://www.issafrica.org/uploads/18NO3VREY.PDF> (accessed 30 Jan 2012).

³¹ For example: François Vrey, *Bad Order at Sea: From the Gulf of Aden to the Gulf of Guinea*, African Security Review, 2009, <http://www.issafrica.org/uploads/18NO3VREY.PDF> (accessed 30 Jan 2012), or: José Alberto Loureiro dos Santos, “Uma Visão Portuguesa da Segurança no Atlântico Sul”, *Nação e Defesa*, N° 128 – 5ª Série 2011, pp. 19-27.

³² *Ibid.*

was reticent – to say the least – on the matter of NATO’s role. The dominant opinion among several African leaders was “that the western powers want to take control of our natural resources, namely oil and natural gas.”³³ To implement a partnership NATO should first win over the “hearts and minds” of the African leaders, showing them that this future collective security system would be of mutual benefit. The ongoing cooperation agreements between the US and several West African countries are a good example of such arrangements. São Tomé and Príncipe, the island-nation in the strategic centre of the Gulf of Guinea, has a military cooperation agreement with the US: in return for military training and patrol boats, the São Tomeans allowed the construction of a radar station to monitor regional air and sea lanes. There are other examples of this kind of cooperation in the region, involving countries like France, Portugal, Canada and the Great Britain. In addition, NATO can and should use its civilian capabilities to assist African countries in situations of crisis, natural or man-made disaster, other emergencies and conflicts. NATO has a long experience of civil emergency planning; the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) is the Alliance’s operational tool in assisting countries in urgent need. NATO assistance to Pakistan following the earthquake in October 2005 and its support to the United States following Hurricane Katrina in September of the same year are good examples of how the Alliance’s capabilities have been used. Such capabilities can, and should, be used in Africa upon request from the AU or its member states.

The navies of NATO member states could play a dual role in assisting the Gulf of Guinea States in several distinct functions: military defence and training, security, safety, enforcement of state authority, surveillance, maritime search and rescue (SAR), and economic, scientific and cultural development.³⁴ These functions, combining

³³ Such statements have been heard frequently during this author’s trips to Luanda.

³⁴ http://www.marinha.pt/PT/noticiaseagenda/doutrina/Documents/Portugal_a_maritime_nation.pdf (accessed 19 Mar 2012).

both military and non-military roles, could be developed in a way that would benefit African states and international security in general. A safe and secure maritime environment could help address international concern regarding the weapons of mass destruction (WMD) and the potential proliferation of related materials by sea. Countering WMD proliferation by sea requires the development of NATO and partner capabilities to address a range of tasks – for example, support for Maritime Situational Awareness (MSA); maritime interdiction; and locating, identifying and securing illicit chemical, biological, radiological and nuclear (CBRN) material transiting at sea. It must also not be forgotten that potential dangers can be found in the depths of the world's oceans, in the form of sea-dumped chemical weapons.³⁵ Partnerships of the kind proposed would offer immense potential mutual gains. To achieve these goals, political will and confidence-building measures are needed.

Conclusion and Proposals

The importance of the sea is undeniable. Since the international shipping industry is responsible for the carriage of around 90% of world trade, security in a variety of domains (food, energy, the environment, trade, defence) is unquestionably dependent on the security of sea lanes. NATO, as mentioned before, owes much of its success to the free use of the oceans: the *Mare Liberum*, as opposed to the *Mare Clausum*, is a fundamental principle of international public law. The threats identified in this paper can cause serious damage to the international community as a whole. In accordance with its Strategic Concept and Maritime Strategy, as well as UN Security Council Resolution 2018 (adopted in 2011), NATO should engage in partnership with the AU and/or the West African regional organizations and their member states

³⁵ Countering WMD threats in the maritime environment. http://www.nato.int/cps/en/SID-EEDCEA02-82773451/natolive/news_85132.htm (Accessed 19 Mar 2012).

so as to create a collective security system in the Gulf of Guinea. This could be seen as a proactive approach focused on conflict prevention to ensure that the situation does not deteriorate as occurred in the Horn of Africa: the Map 13.6 below shows how piracy spread from there between 2005 and 2011.

The US has already created Africa Command (AFRICOM), in 2007 and as President George W. Bush has explained: “This new command will strengthen our security cooperation with Africa and help to create new opportunities to bolster the capabilities of our partners in Africa. Africa Command will enhance our efforts to help bring peace and security to the people of Africa and promote our common goals of development, health, education, democracy, and economic growth in Africa.”³⁶ NATO too should move in this direction and take advantage of the agreements and cooperation that some of its members already have with West African States. A partnership between NATO and the AU would be of mutual interest: as mentioned above, there is no development without security and there is no security without development.

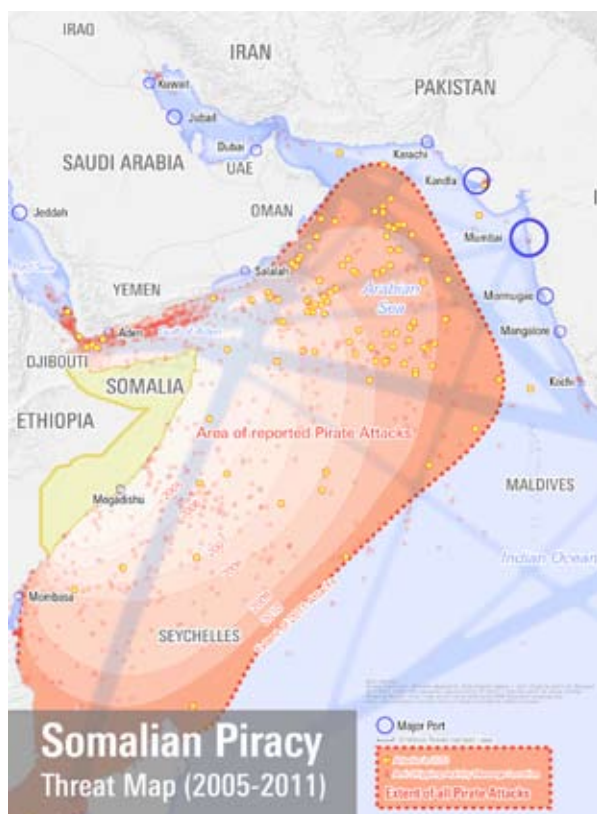
Humanitarian issues, stabilization and reconstruction are already NATO concerns, as stated in the *Political Guidance on Ways to Improve NATO's Involvement in Stabilisation and Reconstruction*.³⁷ The general principles of this *Political Guidance* emphasize that “stabilisation and reconstruction efforts contribute to a comprehensive approach to crisis management and to complementarity, coherence and coordination of the international community's efforts towards security, development and governance.”³⁸ To this end, “stabilisation and reconstruction activities

³⁶ President George Bush, February 6, 2007 <http://www.whitehouse.gov/news/releases/2007/02/20070206-3.html> (Accessed 15 Jun 2012).

³⁷ *Political Guidance on Ways to Improve NATO's Involvement in Stabilisation and Reconstruction* http://www.nato.int/nato_static/assets/pdf/pdf_2011_09/20111004_110922-political-guidance.pdf (accessed 18 Mar 2012).

³⁸ *Ibid.*

should be understood to include support to establishing long-term stability and strengthened governance, local capacity building and the promotion of ownership by the relevant national authorities, encouragement of the rule of law and establishing the basis for economic, human and social development.”³⁹ These principles could be the guidelines for the partnership that this paper proposes. If so, “[...] NATO could find on the African continent and in the South Atlantic Ocean the reasons for its continued existence and even for the extension of its capabilities.”⁴⁰



Map 13.6: Somali Piracy (Source: Geopolicity May 2011)

³⁹ *Ibid.*

⁴⁰ Luis Eduardo Saraiva, *Portugal no Contexto dos Interesses dos EUA e da Europa em Relação a África*, Revista Militar n. 2505, Lisbon, October 2010.

PART 4

THE CHALLENGES OF EXTERNAL ACTORS' ENGAGEMENT

14

The Transatlantic Partnership and the AU: Complementary and Coordinated Efforts for Peace and Security in Africa

Sally Khalifa Isaac

Introduction

The African Union (AU) is a political partner and interlocutor for many national and international actors in the West. The North Atlantic Treaty Organization (NATO), the European Union (EU) and the Group of 8 (G8) are the major international frameworks through which North America and various European states (referred to collectively in this context as the transatlantic allies) support the African Peace and Security Architecture (the APSA). On a national level, the defense and foreign ministries of the United States (US), Canada, Germany and Italy have a distinguished record in supporting military training, providing technical assistance and offering courses on rule of law and security, as indicated in the G8++ Africa Clearing House (G8++ ACH) database.¹

In terms of support for AU military operations for crisis management and promotion of peace and security in Sub-Saharan Africa, both NATO and the EU have played a very prominent role. Since 2005, NATO has been providing military and technical support for two AU missions in Sudan and Somalia (AMIS and AMISOM). It has contributed to the training of the AU's African Standby Force (ASF), and it has launched

¹ G8++ ACH is an international forum that brings together the group of partners supporting the AU in the area of peace and security, G8++ ACH-DB, <http://www.g8africaclearinghouse.org/search.html> (accessed: 9 February 2012).

three naval operations to counter piracy off the Horn of Africa (HOA). The EU too has shown great interest and willingness in forging political and security cooperation with the AU. This has been shown not only by the “Joint Africa-EU Strategy” of 2007, which set out a joint vision for cooperation, but also by the remarkable number of EU civilian and military missions in Africa. Apart from supporting AMIS, AMISOM and the ASF, the EU has launched eight civilian and military missions in Sub-Saharan Africa since 2003, four of which are still ongoing (see Table 14.2: EU Operations in Support to Africa).

The growing number of security initiatives in Africa by transatlantic allies raises questions about the level of complementarity among them, and the extent to which they are coordinated. Are the various efforts synergistic? What efforts are being made to avoid wasteful duplication and counterproductive competition?

These questions have not been sufficiently addressed in previous research. While there is important, even if not abundant, scholarship on the efforts exerted by individual transatlantic actors in support of peace and security in Africa,² the broader topic of transatlantic cooperation in Africa appears to be significantly under-researched. A limited number of studies touch on transatlantic cooperation in Africa, but as a sub-topic rather than as the main focus of research. The present study, focusing on developments in Sub-Saharan Africa, is an attempt to fill this gap. It is divided into three parts. First, it maps out the various ways in which the transatlantic allies support peace and security in

² Benedikt Franke (January 2007). *Enabling a Continent to Help Itself: U.S. Military Capacity Building and Africa's Emerging Security Architecture*, Strategic Insights, Vol. VI, No. 1.

See also: Camilla Elowson (March 2009). *The Joint Africa EU Strategy: A Study of the Peace and Security Partnership*, FOI-Swedish Defence Research Agency, <http://www.foi.se/upload/projects/Africa/foir2736.pdf> (accessed February 2012).

See also: Markus Derblom, Eva Hagström Frisell and Jennifer Schmidt (2008). *UN-EU-AU Coordination in Peace Operations in Africa*, FOI-The Swedish Defense Research Agency, <http://www.foi.se/upload/projects/Africa/UN%20EU%20AU%20Coordination%20in%20Peace%20Ops%20in%20Africa%20foir2602.pdf> (accessed: 13 February 2012).

Africa. Second, it assesses the current level of complementarity and coordination among such efforts. Third, it presents recommendations for a more concerted transatlantic approach.

The methodological rationale for focusing the present study on Sub-Saharan Africa is that North Africa is often dealt with as a distinct security system from Sub-Saharan Africa, even if both are actually linked. Consistent with this logic, transatlantic support frameworks for North Africa are older than – and differentiated from – those in Sub-Saharan Africa. A case in point is NATO’s Mediterranean Dialogue with the North African countries, launched in 1994. However, NATO’s support to peace and security in “Africa” is generally considered to have started with assistance to AMIS II in the mid-2000s. The EU too has developed distinctive partnership forums with North Africa, starting with the Barcelona Process in 1995. The African Peace Facility, which is one of the main channels for EU support to the AU, focuses entirely on funding for Sub-Saharan Africa, since North African countries receive funds from different sources.³ The same separation of North African and Sub-Saharan security is practiced by the United States: thus, Egypt falls within US Central Command’s (CENTCOM) area of responsibility, not that of the US Africa Command (AFRICOM).

Who is Doing What?

Among transatlantic allies, national and multinational support to the APSA is vast and varied. It ranges from the provision of financial aid, military training, capacity building, logistic assistance and equipment to undertaking civilian and military operations, as shown in Table 14.1.

³ The African Peace Facility was created from the 9th European Development Fund in 2004. Through the EDF the European Commission and EU member states provide support at the continental level, as well as to regional and sub-regional organizations, enabling beneficiaries to take responsibility for Peace Support Operations.

		Financial	Military Training and Capacity Building	Logistics/ Equipment	Operations
International Support	NATO		NATO has been providing expert and targeted training packages to the ASF. Since 2009, the NATO School in Oberammergau has been hosting AU staff officers, who attend various courses, including operational planning.	NATO has provided the AU with logistic support for AMIS and AMISOM.	3 counter-piracy operations (see Table 14.3).
	EU	Financial assistance to Peace Support Operations (PSOs). e.g.: 570 € million to AMIS	The EU has been providing training and exercises aimed at the decision-making structures, management and deployment of the ASF (AMANI Africa). This started in 2008 and has been extended to 2014.	The EU has provided the AU with logistic support for AMIS and AMISOM.	8 civilian and military missions (see Table 14.2).
	G8		The G8 has initiatives targeting institutional capacity to prevent and manage conflict through, inter alia, peacekeeping training centres in Africa. G8 assists key littoral states and regional organizations in maritime security. This includes capacity building in areas such as maritime governance, patrol aviation, coastguards, fisheries enforcement, and maritime intelligence sharing and fusion, as well as legislative, judicial, prosecutorial and correctional assistance.		

Table 14.1: Transatlantic Support for the APSA (continued on pag 213).

Most Important National Support through G8++ ACH	Canada		Among other efforts, the Canadian Departments of Defence and Foreign Affairs have been providing military training courses and tactical operations staff courses, as well as support to the ASF roadmap and key projects/programmes (African Centres of Excellence Project, Pan African Police Project, E-Learning for African Peacekeepers).		
	Germany		The German Ministry of Defence (MoD) has been offering military training assistance and capacity building for police forces in Africa (Pan African Police Capacity Building Project). Other initiatives include border management in Sub-Saharan Africa, through the AU Border Programme.	Assistance with equipment provided by the German MoD.	
	Italy		The Italian MoD has been providing training for police units. The Italian Ministry of Foreign Affairs has been offering courses, inter alia, on refugee law, rule of law and security, peace building and good governance, and post-conflict recovery and reconstruction.		
	US	Financial assistance to some AU operations (e.g. \$250 million to AMISOM)	The US contributes to training and capacity building in Africa through the Global Peace Operations Initiative (GPOI). ¹ The two main training programmes are: Africa Crisis Response Initiative (ACRI), and Africa Contingency Operations Training and Assistance (ACOTA). By June 2011, ACOTA had provided training to nearly 176,000 peacekeepers from its 25 African partner states.	GPOI supports 5 peace operations training centers in Sub-Saharan Africa. These are located in Ghana, Kenya, Mali, Nigeria and South Africa.	US-led Combined Maritime Task Force (CTF-151), combating piracy and terrorism in the Middle East and the Arabian Sea ²

Table 14.1: Transatlantic Support for the APSA.

Sources:

- G8++ ACH Database, <http://www.g8africaclearinghouse.org/search.html> (accessed: 9 Feb. 2012);
- G8 (2010). *G8 Muskoka Declaration: Recovery and New Beginnings*. <http://pm.gc.ca/eng/media.asp?id=3489> (accessed 9 Feb. 2012);
- Nina M. Serafino (11 June 2009). *The Global Peace Operations Initiatives: Background and Issues for Congress*, Congressional Research Service (CRS), 7-5700, RL32773, <http://www.fas.org/sgp/crs/row/RL32773.pdf> (accessed: 9 Feb. 2012);
- NATO, *NATO's Assistance to the African Union*, http://www.nato.int/cps/en/natolive/topics_8191.htm (accessed: 9 Feb. 2012);

- *NATO, Contribution to the Establishment of an African Stabilization Force*, http://www.nato.int/cps/en/natolive/topics_54617.htm (accessed: 9 Feb. 2012);
- *European Union External Action. "EU Operations"*, <http://www.consilium.europa.eu/eeas/security-defence/eu-operations?lang=en> (accessed: 9 Feb. 2012).

The above table summarizing transatlantic contributions in support of the APSA shows the wide range of assistance provided, as well as the simultaneous engagement of various transatlantic actors in the provision of certain forms of security and military assistance (with special reference to training, capacity building and undertaking operations). This survey of activities provides a starting point for assessing the current level of complementarity and coordination of efforts among transatlantic allies.

Assessing the Current Level of Complementarity and Coordination

Complementarity of Transatlantic Efforts

One approach to assessing whether transatlantic efforts in support of the APSA complement one another is to assess how far they meet actual needs and priorities of the AU and, where they are undertaken simultaneously, how much needless and counterproductive duplication they entail. Generally speaking, it is important to note that the AU is still developing as a security actor, and its capabilities do not enable it to play a prominent and independent role in preserving peace and stability on the African continent. The AU's capabilities are simply not commensurate with the role that the organization aspires to. In none of its peace operations conducted since 2003 has the AU been able to act independently. It lacks not only the necessary funds, troops, and equipment for peace operations, but also institutional capacity, trained civilian experts, an efficient bureaucracy, suitable information systems and adequate

infrastructure. In a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis of the AU Commission, weaknesses are listed as “weak processes, systems and Information Technologies (ITs) that are neither accredited nor certified; inadequate and inflexible structural arrangements; inadequate physical infrastructure; unsupportive organizational culture or attitudinal behaviour; inadequate teamwork; administration and leadership challenges; gaps in qualitative and quantitative human resources, professionalism, commitment and motivation; weak reputation, presence and reach on the Continent; inadequate sources of funds.”⁴ Others have observed that “the AU’s practical capabilities in the field of conflict management suffer from a persistent capabilities-expectations gap, falling well short of the ambitious vision and rhetoric contained in its founding documents.”⁵ Unsurprisingly, therefore, the AU has been dependent on donors’ assistance, coming mainly from the UN, the EU, NATO, and individual support provided by transatlantic allies in the framework of the G8++ ACH.

This suggests that any type of support is badly needed for the AU’s peace and security architecture: financial assistance for AU operations, capacity building for its military and administrative staff, or provision of logistics. The various forms of assistance to the AU from transatlantic actors (see Table 14.1) thus appear necessary, even if many of these seem to overlap. Two examples could be mentioned to highlight the importance of such initiatives: counter-piracy operations in the HOA, and military training and capacity building.

⁴ African Union Commission (19 May 2009). Strategic Plan 2009-2012, p. 17, http://au.int/en/sites/default/files/Strategic_Plan2009-2012.pdf (accessed: 13 February 2012).

See also: InterAfrica Group / Justice Africa, “The African Union and Peace and Security”, *African Development Forum (ADF III) Economic Commission for Africa*, pp. 4-5, <http://www.uneca.org/adfiii/docs/issuepn3.PDF> (accessed: 10 February 2012).

⁵ Paul D. Williams (October 2011). The African Union’s Conflict Management Capabilities, Council on Foreign Relations: International Institutions and Global Governance Program, p.1, http://i.cfr.org/content/publications/attachments/IIGG_WorkingPaper7.pdf (accessed: 13 February 2012).

As regards transatlantic efforts to counter piracy in the HOA, at the time of writing there are only 34 warships patrolling the area.⁶ These are actually provided by numerous national and international actors, including EU NAVFOR Atalanta, Standing NATO Maritime Group 2 (SNMG), and Combined Task Force-151. The latter includes ships from 25 countries worldwide: Australia, Bahrain, Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Jordan, the Republic of Korea, Kuwait, the Netherlands, New Zealand, Pakistan, Portugal, Saudi Arabia, Singapore, Spain, Thailand, Turkey, the United Arab Emirates, the United Kingdom and the United States.⁷ NATO currently has four warships at sea for its counter-piracy operation Ocean Shield. Experts estimate that 83 warships should be permanently deployed in the area in order to have one vessel always within an hour of where potential attacks could occur. While some would question the benefit of having several concurrent operations with the same mandate, the case of counter-piracy suggests that all the transatlantic and other efforts currently under way are needed to tackle what is a persistent security problem.

A second example of complementary transatlantic efforts is in the field of military training and capacity building. While the casual observer may assume that the concurrent training and capacity building efforts of different organizations (e.g. EU and NATO) and individual countries (Italy, Germany, Canada and the US) are indicative of competition and wasteful duplication of effort, a closer look reveals that this is not the case. NATO, the EU and different national actors each have their own areas of expertise and resources in which they can offer the AU the operational support it so badly needs. Generally

⁶ Damien Helly (2011). Lessons from Atalanta and EU Counter-Piracy Policies, *European Union Institute for Security Studies*, Seminar Reports, p. 11, http://www.iss.europa.eu/uploads/media/Atalanta_report.pdf (accessed: 23 February 2012).

⁷ Combined Maritime Forces, <http://combinedmaritimeforces.com/about/> (accessed: 10 February 2012).

See also: CTF-151 Counter Piracy, <http://combinedmaritimeforces.com/ctf-151-counter-piracy/> (accessed: 10 February 2012).

speaking, the various initiatives appear to be complementary.

As Table 14.1 illustrates, the US has provided military training and exercises for battalion, brigade, and multinational force headquarters personnel. Italy has offered training courses on refugee law, rule of law and security, peace building and good governance, and post-conflict recovery and reconstruction. Germany has contributed training for police forces in Africa. Canada has provided tactical operations staff courses, Pan-African police capacity building and e-learning for peace keepers. Similarly, the EU and NATO have each provided specific capacity building efforts. The EU has focused on training and exercises aimed at the decision-making structures, as well as management and deployment of the ASF. An example was the EU's 2009 MAPEX (AU Map Exercise), which assisted the AU in supporting the ASF by developing and evaluating the continental decision-making process in accordance with AU procedures.⁸ The EU's CPX, which is a command post exercise held in 2010, aimed at training and engaging structures within the AU to deal with possible crises.⁹ NATO, as a political and security organization, has provided targeted military training packages to the ASF in various fields of activity, including operational planning. Another area in which NATO has supported the APSA is provision of expertise for maritime operations, encouraging African navies to move towards "the adoption of standard NATO procedures and [to take] first steps to develop a naval component to ASF."¹⁰

⁸ European Center for Development Policy Management (September 2009), Weekly Compass No. 8-11 Sept. 2009, p. 13, [http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/5C0A13B3E4DE232CC125762E00696766/\\$FILE/WECO-Extended-8-Final%20110909.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/5C0A13B3E4DE232CC125762E00696766/$FILE/WECO-Extended-8-Final%20110909.pdf) (accessed: 13 February 2012).

⁹ European Union (July 2009). EURO RECAMP - AMANI AFRICA, EURORECAMP/03, p. 2, http://www.consilium.europa.eu/uedocs/cmsUpload/090703-Factsheet_EURORECAMP-version3_EN.pdf (accessed: 13 February 2012).

¹⁰ Eva Strickmann (October 2009). EU and NATO Efforts to Counter Piracy off Somalia: A Drop in the Ocean?, *International Security Information Service-Europe (ISIS-Europe)*, p. 4, http://www.esdpmmap.org/pdf/2009_artrel_332_esr46-eu-nato-counterpiracy.pdf (last accessed: 13 February 2012).

Coordination of Transatlantic Efforts

While the above survey of transatlantic efforts in support of African peace and security indicates that they tend on the whole to complement each other, this section examines how far this trend has been deliberately orchestrated. In other words, the focus is on the level of coordination among transatlantic partners in cases where they have been engaged simultaneously in Africa.¹¹

Tables 14.1, 14.2 and 14.3 demonstrate that the EU, NATO, and the US among others have been simultaneously engaged in Africa in:

- A. The provision of training for the ASF;
- B. Supporting AMIS II;
- C. Countering piracy operations in the HOA.

A. Training for the ASF

Transatlantic efforts in providing training and capacity building for the ASF generally fall within the framework of the G8++ ACH, through which countries keep each other informed about their planned, ongoing and completed programmes. Consultation of the G8++ ACH online database¹² suggests a high level of transparency and commitment to sharing of information, the result being the complementarity and related advantages outlined in the previous section.

¹¹ Coordination is understood to denote an orderly arrangement of efforts to provide unity of action in the fulfilment of common objectives.

¹² G8++ ACH-DB, <http://www.g8africaclearinghouse.org/search.html> (accessed: 9 February 2012).

	Operation Name	Location	Period	Type	Strength
1	ARTEMIS	D.R. Congo	Jun-Sept 2003, completed	Military	1,800
2	EU Support to AMIS II	Sudan, Darfur	2005-2006, completed	Civilian & Military	30 & 17
3	EUPOL Kinshasa	D.R. Congo	2005-2007, completed	Civilian	30
4	EUSEC	D.R. Congo	Since 2005, ongoing	Military	48
5	EUPOL	D.R. Congo	Since 2007, ongoing	Civilian	53
6	EU NAVFOR-Atalanta	Somalia	Since Dec 2008, ongoing	Military	1458
7	EUFOR	Chad, C.A.R.	2008-2009, completed	Military	3,700
8	EU SSR	Guinea Bissau	2008-2010, completed	Civilian	19
9	EUTM	Somalia	Since Apr 2010, ongoing	Military	74
10	Support to AU ASF	AU	Since 2008, ongoing	Training	

Table 14.2: EU Operations in Support to Africa.

Sources:

- European Union External Action. "EU Operations", <http://www.consilium.europa.eu/eeas/security-defence/eu-operations?lang=en> (accessed: 9 Feb. 2012);
- Nicoletta Pirozzi & Sammi Sandawi (November 2009). *Military and Civilian ESDP Missions: Ever Growing and Effective?*, Istituto Affari Internazionali, DOCUMENTI IAI 09 | 29, pp. 16-22, <http://www.iai.it/pdf/DocIAI/iai0929.pdf> (accessed: 10 Feb. 2012).

	Operation Name	Location	Period	Type
1	Support to AMIS II	Sudan, Darfur	Jun 2005 - Dec 2007	Technical and logistical (No combat troops)
2	Support to AMISOM	Somalia	2007	Technical and logistical (No combat troops)
3	Support to AU ASF	AU	Since 2007, ongoing	Technical (training and capacity building)
4	Allied Provider	Coast of Somalia	Oct-Dec 2008	Military: Counter Piracy Operation
5	Allied Protector	Horn of Africa	Mar-Aug 2009	Military: Counter Piracy Operation
6	Ocean Shield	Horn of Africa	Since Aug 2009, ongoing ³	Military: Counter Piracy Operation

7	Active Endeavour	Med. Sea	Since 2001, ongoing	Military: (Maritime Surveillance)
8	Unified Protector	Libya	2011	Military: Protecting civilians

Table 14.3: NATO Operations in Support to Africa.

Source:

- NATO, *NATO's Assistance to the African Union*, http://www.nato.int/cps/en/natolive/topics_8191.htm (accessed: 9 Feb. 2012).

B. Supporting AMIS II

Following the agreement of UN Security Council Resolution 1556 on 30 July 2004, the AU formally asked NATO and the EU to support its mission to Darfur, Sudan (AMIS II), in addition to support already provided by the EU for the military and police planners and observers.¹³ By May 2005, both NATO and the EU had agreed separately with the AU on the type of additional support they would provide. Up to this point, however, there had been no formal NATO-EU discussions at the level of the North Atlantic Council and EU Political and Security Committee about their parallel support to AMIS II.¹⁴

According to one reputable account, there had actually been open discord “between members of the EU and NATO on the question which organization should coordinate measures in support of AMIS, particularly air lift. The US and Canada preferred NATO through Supreme Headquarters Allied Powers Europe (SHAPE) as a coordinating institution, while France favoured the EU. Other countries like Germany or Great Britain were undecided or wanted to use both organizations.”¹⁵ Also, according to a Western European

¹³ Assembly of the Western European Union (December 7, 2005). Interparliamentary European Security and Defense Assembly, 51st session, Document A/1918, p. 9.

¹⁴ David S. Yost, NATO-EU Cooperation in Post-Conflict Reconstruction, NATO Defense College, *Research Paper n. 25*, Rome, December 2005, p. 2, <http://www.ndc.nato.int/download/downloads.php?icode=44> (accessed: 15 February 2012).

¹⁵ Martin Richard (2006), *op.cit.*, p. 272.

Union (WEU) report, “NATO and the EU never tried to agree on a division of the tasks, for neither organization was prepared to accept the primacy of the other.”¹⁶ Surprisingly, many analysts seemed content with the tactical level of NATO-EU cooperation that ensued, and celebrated the fact that “NATO kept the EU informed on the general aspects of its support to AMIS.”¹⁷ In fact, the EU and NATO willingness to open up and share information in the execution phase of this operation made it a case of success, even if disagreement initially erupted on who should be in charge of what.

C. Countering Piracy in the HOA

In this ongoing venture, the EU, NATO, and the US are engaged in parallel naval operations to counter piracy off the shores of Somalia, in the southern waters of the Red Sea, in the Gulf of Aden and in the Indian Ocean (see Map 14.1: Countering Piracy in the HOA – Area of Responsibility). Experience suggests that coordination in these operations (EU NAVFOR Atalanta, NATO’s Ocean Shield, and the Bahrain-based CTF-151)¹⁸ has once more been largely limited to the tactical level.

¹⁶ Assembly of the Western European Union (7 December 2005), *op. cit.*, p.22.

¹⁷ Martin Richard, *op.cit.*, p. 272.

¹⁸ First led by the US, and currently by the Netherlands.

Map 14.1: Countering Piracy in the HOA – Area of Responsibility. Source: <http://combinedmaritimeforces.com/ctf-151-counter-piracy/>

The actual coordination among all involved parties in this counter-piracy endeavour has been conducted mainly through the Shared Awareness and De-confliction initiative (SHADE), which is co-chaired by the EU and the CTF-151. Meetings are held every six weeks, to share information and organize actions. They are operationally focused. As stated by one contributor: “we make sure we don’t raise discussions at the political level, otherwise it stops the talk.”¹⁹ While some observers contend that the EU and NATO are actually competing in the HOA,²⁰ there is sound evidence to the contrary. For instance, one declassified US Mission to the EU (USEU) report describes cooperation between the EU and the US as “extremely good” and praises the regular coordination meetings in Bahrain.²¹ While there has been no formal top-level NATO-EU cooperation, the same USEU report indicates that information is shared informally. However, to avoid obstruction from on high, the USEU interlocutors also suggested that “this should remain below the political radar” under prevailing circumstances.²²

In summary, therefore, insofar as transatlantic efforts have been complementary as a result of deliberate coordination efforts, this appears to be the result of operational tactical level initiatives in implementation, with the apparent exception of training for the ASF.

Opportunities, Challenges and the Way Ahead

Building on the previous analysis, it could be concluded that there are significant opportunities for the transatlantic allies to work together even more closely for peace and security in Africa.

¹⁹ Quoted in: Damien Helly, op. cit, p. 11.

²⁰ *Ibid*, p.11.

²¹ United States Mission to the EU (USEU), (12 February 2009). “Working with the EU’s Counter-Piracy Headquarters”, *USEU*-Brussels, document released: August 30, 2011, ref. ID: 09USEUBRUS-SELS206.

²² *Ibid*.

Opportunities include the following:

A. The AU needs all possible efforts for its peace and security architecture, opening up the possibility of transatlantic support in a whole host of areas;

B. The wide assortment of transatlantic expertise is in itself an opportunity. Some competencies are shared among states and organizations; if properly leveraged they can be complementary, as in the case of counter-piracy. Others offer unique comparative advantages in key areas which, when pooled, add up to more than their constituent parts – as with training and capacity building;

C. Existing coordination venues among transatlantic actors offer an opportunity for even more deliberate coordination – as through the small NATO Liaison Teams that work with the EU military staff, the small EU cell residing at NATO's SHAPE HQ, and the SHADE initiative.

Challenges include the following:

A. The absence of a powerful top-level coordinating body for transatlantic states and organizations. As the previous analysis demonstrates, strategic-level coordination is sorely lacking;

B. Despite the relative success in the level of (often informal) coordination among transatlantic actors at the operational/tactical level, the prevailing climate for deliberate coordination between the EU and NATO remains weak at the political level. A major challenge is the unwillingness of either actor to embrace a leadership role vis-à-vis the other. In addition, despite the clear comparative advantages that each organization enjoys, neither seems ready to admit its relative lack of expertise in any given area. NATO, for instance,

does not seem willing to acknowledge the relative expertise that the EU enjoys in the field of post-conflict reconstruction. As one expert indicates, though NATO is not a reconstruction agency and there is no NATO equivalent to the EU's European Agency for Reconstruction, "there has been a persistent dispute among the allies about the legitimacy of NATO involvement in stabilization and reconstruction operations."²³ On the other hand, the EU does not seem willing to admit NATO's overwhelming advantage in military expertise and operations;

C. The absence of an efficient mechanism for information sharing among all Atlantic actors is still a challenge for enhanced coordination schemes. As many scholars indicate, several issues continue to challenge transatlantic intelligence sharing; these include the divergence in US and European views on the importance of military intelligence, the huge technological gap between the US and Europe (which still poses a chronic problem for interoperability), and the unwillingness of the US and of many European countries to accept large-scale multilateral data sharing.²⁴ Perhaps this chronic challenge is the reason why the process of information sharing and effective cooperation between NATO and the EU, particularly in the ongoing counter-piracy operation in the HOA, is being pursued informally.

Recommendations

The above analysis provides a basis for a number of recommendations for future transatlantic support to African peace and security, which are set out under three headings below.

²³ David S. Yost, op. cit., p.3.

²⁴ Renée de Nevers (Spring 2007). "NATO's International Security Role in the Terrorist Era", *International Security*, Vol. 31, n. 4, pp. 24-45. See Also: Richard J. Aldrich, "Transatlantic Intelligence and Security Cooperation", in: *International Affairs*, 2004, Vol. 80, No. 4, pp. 732-737.

A. A coordinating body for transatlantic engagement in Africa

Despite the challenges outlined previously, there is a crucial need to redouble efforts to create a coordinating body for transatlantic engagement in Africa. In this respect, many proposals have already been discussed among experts. Leo Michel, for instance, advocates the creation of an International Community Planning Forum (ICPF) in Brussels, responsible for coordinating EU and NATO engagement in security cooperation with the AU.²⁵ Others too suggest the inevitability of establishing such a body for purposes of coordination in the field.²⁶ Such a coordinating body would partially solve the endemic problem of information sharing, by offering a venue for top-level officials from the various transatlantic actors to meet and share information.

B. Joint engagement, rather than individual or separate discussions of various transatlantic actors with the AU

It would appear essential that the transatlantic allies take every opportunity to collectively engage their African counterparts in the AU and elsewhere before planning actions in support of the APSA. This has actually not been the case in some transatlantic initiatives in support of peace and security in Africa, such as the G8++ ACH. Though this initiative has proved successful in terms of transatlantic coordination, it has been criticized (particularly in the early stages of its development, in the mid-2000s) for gathering senior officers from Europe, the United States, Canada, the EU and NATO without any African presence.²⁷

²⁵ Cf.: Leo Michel, NATO and the EU: Achieving Unity of Effort in a Comprehensive Approach, 21 September 2010 *Atlantic Council*, <http://www.equilibri.net/nuovo/sites/default/files/ICTF%20Atlantic%20Council%20Sep%2010.pdf> (accessed: 13 February 2012).

²⁶ Markus Derblom, Eva Hagström Frisell and Jennifer Schmidt, UN-EU-AU Coordination in Peace Operations in Africa: Executive Brief, *The Swedish Defense Research Agency (FOI)*, 2008, p.8, http://www.foi.se/upload/projects/Africa/FOI_ExecutiveBrief_Eng_WEBB.pdf (accessed: 13 February 2012).

²⁷ Martin Plaut, The Africa Clearing House, *African Security Review*, 2004, vol. 13, n. 3, p. 1, <http://www.iss.co.za/pubs/asr/13No3/CPlaut.htm> (accessed: 14 February 2012).

C. Focus on addressing the underlying root causes of Africa's security problems through a comprehensive approach.

The nature of Africa's security problems require a concerted effort to address their underlying root causes ranging from poverty, economic and social underdevelopment, lack of education, and political and institutional instability. Classical hard power approaches, manifested mainly in undertaking operations and the provision of military training, are not always adequate to bring about lasting remedies and, therefore, must be synchronized with other non-military means of support. For example, as James Bridger also points out elsewhere in this volume, ongoing efforts to counter piracy off the coast of Somalia and the wider HOA region do not properly address the root causes of piracy which are directly linked to state failure in Somalia, poverty, absence of the rule of law and political and economic instability ashore. A dedicated attempt by partners to jointly examine the wide range of actions needed to address such security and stability challenges in Africa should result in greater coordination of efforts that leverages resident areas of expertise.

D. Enhance transatlantic efforts in security training and capacity building.

Transatlantic coordination in training and capacity building is a relative success story compared to the attained level of coordination in operations. The ACH and its online database,²⁸ which offers information on donors support for the APSA, is a notable effort in this regard. This initiative could be further enhanced by redoubling efforts to coordinate training and capacity building programs vis-à-vis hitherto weakly or completely unaddressed areas such as administration and coast guards. This point is of particular importance given that previous research reveals that human resources deficiencies in African

²⁸ G8++ ACH Database, <http://www.g8africaclearinghouse.org/search.html> (accessed 9 Feb. 2012).

institutions including the AU undermine their capacities to absorb and manage various forms of donor assistance.²⁹

E. Outreach to non-transatlantic actors

Reaching out to non-transatlantic allies involved in supporting security and stability in Africa would enhance the legitimacy and capacity of transatlantic efforts. The most illustrative case in point is the International Contact Group on Piracy (ICG). Gathering 28 nations from all over the world in addition to six regional and international organizations, this group aims at coordinating various national and international counter-piracy efforts in in the HOA.

²⁹ Markus Derblom, Eva Hagström Frisell and Jennifer Schmidt, op.cit., p.48.

15

NATO and the EU as AU Partners for Peace and Security in Africa: Prospects for Coordinated and Mutually Reinforcing Approaches

*Kai Schaefer*¹

Introduction

“Development and security are inextricably linked,”² as famously stated by United Nations (UN) Secretary-General Kofi Annan. Today the security-development nexus³ has become one of the main areas of activity in which international organizations play a major role. However, in many cases overlapping mandates, competing agendas and inefficient coordination among international organizations have been a hindrance to implementing holistic and synergetic approaches to conflict prevention, management and resolution. One of the coordination challenges in this overall setting is the increasing number of international actors involved.⁴ On the African continent this kind of problem is particularly evident in relation to support for the African Peace and Security Architecture (APSA). The African Union (AU) is

¹ This paper benefited from valuable comments made by Marlene Nilsson, Stefano Vescovi and the discussants of the Peer Review Expert Round Table on “AU-NATO Collaboration: Implications and Prospects”, held in Addis Ababa, Ethiopia on 29 February 2012. The content is, however, the sole responsibility of the author.

² United Nations, *A More Secure World: Our Shared Responsibility*, New York, United Nations, 2004, p. vii.

³ Stern and Oejendal, “Mapping the Security-Development Nexus: Conflict, Complexity, Cacophony, Convergence?”, *Security Dialogue* 44, n. 1, 2010, pp. 5-29.

⁴ Koops, “Towards Effective and Integrative Inter-Organizationalism”, in *From Conflict to Regional Stability*, Berlin, DGAP, 2008, p. 23f.

by no means short of confirmed or aspiring partners in this regard. For example, the North Atlantic Treaty Organization (NATO), the European Union (EU), the United Nations (UN) and the Group of 8 (G8)++ all currently provide support in the form of financial assistance or training⁵ to African-led efforts in peace and security.

In this context of multi-layered cooperation among international organizations, which has already been ongoing for about a decade, it is surely time for both the AU and NATO to address the issues related to their cooperation with other international players, especially in times of financial constraints. Following the adoption in 2010 of the current NATO Strategic Concept (SC), which acknowledged the importance of partnerships, it is worthwhile to consider how to bring AU-NATO working relations to a new level while taking into account contributions from other international organizations such as the EU. For the AU, which has also initiated a number of partnerships, issues such as absorption capacity and reduction of internal transaction costs are paramount, as is the burden of managing overlap in funding initiatives by external partners and the lack of certain capabilities (airlift, intelligence, etc.). On all these issues both the AU and NATO could benefit from taking into account the experience and approaches of other international organizations engaged in Africa. The EU is a case in point, as the majority of its member states are also part of NATO.⁶ In addition, it should be borne in mind that the EU is in the process of reforming its external actions following the entry into force of the Lisbon Treaty in December 2009.

Such is the background against which this paper will look at concrete past and ongoing experiences of coordination and cooperation between

⁵ Tortolani, *Towards an Understanding of Peacekeeping Partnerships*, Center on International Cooperation, [http:// www.zif-berlin.org/.../CIC-ZIF_Conference_Report_06_08.pdf](http://www.zif-berlin.org/.../CIC-ZIF_Conference_Report_06_08.pdf) (accessed 18 February 2012).

⁶ At present 20 out of the 27 EU Member States are also members of the 28-strong NATO, not counting EU accession candidates.

these organizations in the field of peace and security, with a view to addressing the main challenges of trilateral relations as well as the comparative advantages and specific expertise of each organization. Based on this evaluation, some policy recommendations for the way ahead will also be proposed. These will address the strategic as well as the operational level. The focus will be on how mutually reinforcing and coordinated support by NATO and EU could be envisaged to further enhance the AU's leadership in peace and security matters on the African continent. In this way the paper should contribute to the debate on forging policy coherence as regards partners' support to AU peace support operations as well as to the APSA.

Despite the importance of states, this paper does not dwell on national interests. Rather, the focus is on the inter-institutional level of cooperation in the area of crisis management and institutional capacity-building for conflict prevention, management and resolution, whether in an institutionalized framework or through ad hoc arrangements with the AU.

A Scholarly Perspective on Multilateral Cooperation

Most academic literature to date is primarily concerned with non-African multilateral organizations and with their bilateral relations, such as between the EU and NATO, especially in the context of peace support operations. There is less concern in the literature with institutional capacity-building. However, dyadic relationships of this kind have to be seen in the larger complex of multilateral organizations and the overlap between them in terms of membership or policies.⁷ Generally, international organizations cannot operate in isolation but

⁷ Brosig, "Overlap and interplay between international organizations: theories and approaches", in *South African Journal of International Affairs* 18, no. 2, 2011, pp. 147 and 158.

are involved in “inter-organizational networks,”⁸ in which overlapping membership or competencies as well as mutual dependencies in certain policy fields lead to increased cooperation towards common goals.⁹ In Africa, the APSA is the prime example of this phenomenon, involving African organizations and international partners.

Inter-organizational networks can be seen as based on shared norms, the exchange of resources (be they material or immaterial), and the process of learning from the organizational activities and design of a partner organization. In other words, “the more organizations learn from each other and the more similar they tend to become, the easier their cooperation will become.”¹⁰ However, there is often an asymmetric relationship between organizations, in terms of resources at their disposal and their respective perceptions of benefits accruing from interaction. However, unequal partnerships such as the Joint Africa-EU Strategy (JAES) could create a problematic situation whereby the better resourced organization might dominate the partnership. This in turn can result in joint initiatives dominated by one partner, or very slow progress in implementation, as illustrated in the case of EU support to African training institutions - such support, scheduled as long ago as late 2008, is still in the pre-implementation phase.

Another way to avoid competition, especially when there is overlap in terms of policy area and membership, is by division of labour amongst organizations. EU-NATO peacekeeping in Africa is again a case in point. In times of financial constraints, cost-benefit analyses become increasingly important.¹¹ In other words, as the organizations are missing tools from the box, cooperation should come naturally¹²

⁸ Biermann, “Towards a theory of inter-organizational networking: the Euro-Atlantic security institutions interacting”, in *The Review of International Organizations* 3 n. 2, 2008, pp. 151-177.

⁹ Brosig, *ibid.*, p. 147.

¹⁰ Koops, *ibid.*, 2008, p. 26.

¹¹ Brosig, *ibid.*, pp. 154 -160.

¹² Rynning, “Of Sirens and Deceptive Virtue”, in *Studia Diplomatica* 64, no. 2, 2011, p. 37.

and balance the risk of competition in an increasingly crowded field of actors.¹³

In addition to these considerations in terms of rationalizing effort, the contribution of individuals to successful inter-organizational interaction should not be overlooked, as interpersonal links and trust are a key feature of cooperation.¹⁴ The JAES is an interesting model in this regard, with regular and intensive contacts at all levels from leadership down through institutionalized meetings and working contacts.

A Practitioner's Perspective on NATO and EU Support to the AU and the APSA

Against the backdrop of the security-development nexus, the creation of the APSA as an institutionalized framework has led to an unprecedented opportunity for the international community to support African peace and security efforts other than through ad hoc initiatives. A prominent feature of the APSA is its multi-layered and symbiotic approach to peace and security cooperation, with international partners such as NATO and the EU providing increased capacity-building support to the AU and Regional Economic Communities/Regional Mechanisms (REC/RMs).

Practitioners are well aware that the key challenges to institutional capacity-building in the African peace and security sector include inadequate human resource capacity and inefficient donor coordination. This paper focuses on the second of these aspects. It appears that the commitments expressed by the international community in the Paris

¹³ Sicurelli, "Regional partners? Perceptions and criticisms at the African Union", in *External Perceptions of the European Union as a Global Actor*, London, Routledge, 2010, p. 187.

¹⁴ Koops, *ibid*, 2008, p. 26f.

and Accra Declarations on aid efficiency have yet to materialize in the area of peace and security cooperation. Involving more international partners in the capacity-building process in Africa entails the risk of greater accounting demands and increased transaction costs for the AU.¹⁵ From an African perspective, the multiplicity of partners is barely manageable, and could lead to confusing messages and uncoordinated lines of action. In addition, some parties may actually seek to take advantage of the rivalry among partners so as to obtain as much as they can from the arrangement.¹⁶

As a result of these considerations, the major contribution of the APSA is that it provides a common framework for capacity-building coordination.¹⁷ The AU and REC/RMs have taken a further decisive step in this regard with their APSA Roadmap, which should constitute the basis for all future donor support to the APSA with a view to synergy and coordination, or possibly even harmonization of long-term capacity-building strategies.

With regard to NATO, the SC adopted at the Alliance's Lisbon Summit in November 2010 commits the organization to work closely with international partners in the prevention, management and stabilization of conflicts. As a roadmap, it provides the basis for NATO action in the years ahead and values the importance of working with partners from across the globe with the aim of promoting international security through cooperation. A fundamental component of NATO's cooperative approach to security is partnership, also with international organizations.¹⁸ The SC actually identifies "Cooperative Security"

¹⁵ Franke, "Helping a Continent to Help Itself: Institutional Capacity Building in Africa", in *From Conflict to Regional Stability*, Berlin, DGAP, 2008, pp. 53-59.

¹⁶ Santayana, "Challenges for developing the ESDP in Africa", in *European and African Response to Security Problems in Africa*, Madrid, Casa Africa, 2010, p. 147.

¹⁷ de Coning, "Towards a Common Southern African Peacekeeping System", in *Electronic Briefing Paper 16*, Pretoria, Center for International Political Studies, 2004, p. 4.

¹⁸ NATO, *Strategic Concept*, <http://www.nato.int/strategic-concept/index.html> (accessed 18 February 2010).

as an essential core task of the Alliance. Accordingly, partnerships can provide a framework not only for political dialogue but also for intensified cooperation with other regions in activities such as peace support operations. Concerning crisis management, another of the three core tasks identified in the SC, NATO intends to engage actively with partners “before during and after crises to encourage collaborative analysis, planning and conduct of activities on the ground.”¹⁹ While there is not yet a formal partnership agreement with the AU, cooperation already exists in specific areas.²⁰ The SC also makes specific reference to the strategic partnership between the EU and NATO, noting that they “should play complementary and mutually reinforcing roles in supporting international peace and security,”²¹ which should lead to concrete synergies.²² These general directives could also be applied to support towards the operationalization of the APSA. A step in this direction was the reference to the AU in the NATO Chicago Summit Declaration of May 2012.²³

NATO has been backing AU peace support operations and institutional capacity-building for AU peacekeeping capabilities since 2005, arranging for experts, training courses and events as well as studies and translations, especially for the African Standby Force (ASF).²⁴ At the request of the AU, NATO also provided strategic, logistic and planning support for its missions in Sudan and Somalia.

¹⁹ NATO, *Active Engagement, Modern Defense – Strategic Concept for the Defense and Security of the Members of the North Atlantic Treaty Organization*, http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf, (accessed 18 February 2012).

²⁰ NATO, *Partnerships: a cooperative approach to security*, http://www.nato.int/cps/en/natolive/topics_84336.htm, (accessed 18 February 2012).

²¹ NATO, *Active Engagement, Modern Defense – Strategic Concept for the Defense and Security of the Members of the North Atlantic Treaty Organization*, http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf, (accessed 18 February 2012).

²² Duke, “The EU, NATO and the Lisbon Treaty: still divided within a common city”, in *Studia Diplomatica* 64, no. 2, 2011, p. 23.

²³ NATO, *Chicago Summit Declaration*, http://www.nato.int/cps/en/natolive/official_texts_87593.htm?mode=pressrelease, (accessed 18 June 2012).

²⁴ NATO, *NATO Assistance to the African Union*, http://www.nato.int/cps/en/natolive/topics_8191.htm, (accessed 18 February 2012).

In addition to this support, NATO is a member of the International Contact Group on Somalia.²⁵

Like other international organizations, the EU too has stepped up its efforts to support “African solutions to African problems” by institutionalizing its working relationship with the AU. The EU has been involved in peace and security support in Africa since the 1980s,²⁶ indicating its recognition that “Africa’s strategic and geopolitical importance for Europe as a neighbouring continent is paramount.”²⁷ The EU foreign policy objective of “effective multilateralism” is to strengthen other international organizations and to equip them with the necessary resources for action.²⁸ The culmination of such effort was the JAES Action Plan for the Partnership on Peace and Security. This is based, at least on paper, on a shared view of conflict prevention, management and resolution with a view to enhancing political dialogue between the two sides. Examples of how this aim is pursued include the annual joint meeting between the AU Peace and Security Council (PSC) and the EU Political and Security Committee (often referred to by its French acronym, COPS),²⁹ as well as the Commission-to-Commission (C2C) and Joint Task Force sessions. On the European side, the rationale for support to the APSA lies partly in concerns such as illegal immigration, drugs and arms trafficking, terrorism and organized crime,³⁰ also identified by NATO as new challenges to security. More specifically, even prior to the framework of the

²⁵ NATO, *African Union discusses practical cooperation with NATO*, http://www.nato.int/cps/en/nato-live/news_61534.htm (accessed 18 February 2012).

²⁶ Sicurelli, *ibid.*, p. 185.

²⁷ Oliver, “From Colonialism to Partnership in Africa-Europe Relations?”, in *The International Spectator* 46, no. 1, 2011, p. 53.

²⁸ Koops, “Unstrategic Partners: NATO’s Relations with the European Union”, in *Entangling Alliance: 60 Jahre NATO. Geschichte, Gegenwart, Zukunft*, Trier, Wissenschaftsverlag, 2010, p. 65.

²⁹ Kambudzi, “Efforts within, complementary processes and problems of collaboration in addressing security challenges in 21st century Africa: Case of the AU and the EU”, in *European and African Response to Security Problems in Africa*, Madrid, Casa Africa, 2010, p. 81.

³⁰ Pirozzi, “Towards an Effective Africa-EU Partnership on Peace and Security: Rhetoric or Facts?”, in *The International Spectator* 45, n. 2, 2010, p. 87.

JAES the EU established the African Peace Facility (APF) in 2004. This has been instrumental in operationalization of the APSA and the deployment of AU peace support units in the field.

Both the EU and NATO have similar goals in international security and refer to a common values base.³¹ It could nevertheless be argued that the implementation of their strategic partnership, declared in the context of the Berlin Plus agreements in March 2003,³² has yet to materialize, and some analysts might even speak of rivalry and competition between the two organizations.³³ For the time being, there is no joint comprehensive framework of cooperation between the AU, NATO and the EU. In terms of support to the AU, both NATO and the EU actually “pursue similar, albeit uncoordinated initiatives”, exemplified by their past support to the AU Mission in Darfur (AMIS).³⁴ Could the support to the AU and the APSA be the catalyst to achieve mutually reinforcing relations and synergies, in particular in the light of the EU Lisbon Treaty and NATO SC?

The efforts and initiatives committed to peace and security in Africa are completely out of proportion to the mediocre specific results. Overlapping missions and programmes from various international partners lead to dispersal of efforts,³⁵ instead of creating synergies and true capacity-building. While most actors today acknowledge the need for better coordinated efforts, approaches differ significantly with regard to priorities, means and objectives. In addition, diverging organizational cultures also pose limits for harmonization and greater efficiency.³⁶ Coordination among international partners occurs through

³¹ Lachmann, *NATO-CSDP-EU Relations: Sketching the Map for a Community of Practice*, CEPSI Working Paper, Montreal, 2010, p. 6.

³² Koops, *ibid.*, 2010, p. 41.

³³ Toje, *The EU, NATO and European Defense – A Slow Train Coming*, Occasional Paper 74, EUISS, Paris, 2008, pp.21ff.

³⁴ Koops, *ibid.*, 2010, p. 44.

³⁵ Santayana, *ibid.*, p. 148.

³⁶ Major, “Comprehensive Approaches of the EU, NATO and the UN - Remedy to Address the New

dialogue and international forums, such as the G8++'s Africa Clearing House and the AU Partners Group (AUPG) in Addis Ababa.³⁷ However, practice shows that this is not enough, as too many parallel initiatives still persist, despite African calls for more rationalization.

Possible Ways Ahead Towards a Trilateral Relationship

Opportunities for increased cooperation are bountiful. They include institutional capacity-building, mission planning and support, logistics, sharing of lessons learned, improved use of early warning and analytical information, standardization of training and doctrinal materials, as well as programme funding.³⁸

Workshops are an easy form of cooperation.³⁹ Both NATO and the EU regularly participate in meetings and conferences organized by the AU. However, workshops are not the right tool for coordination, and their mushrooming and proliferation is balanced by demands, often coming from the African side, to rationalize their use. One problem they entail is that staff members involved are necessarily kept from essential tasks in the office for the duration of the event. A possible way out would be to arrange for such workshops to be held in structured and scheduled institutional settings such as the JAES, AU/REC memorandum of understanding (MoU) implementation meetings, and other events.

Another area of ongoing cooperation is training - both *entraînement* and *formation*, as the French language distinguishes between individual

Challenges in International Crisis Management?", in *Anticipating the Future Scenarios and Strategic Options for a New Global Order*, Berlin, DGAP, 2008, pp. 13 and 20.

³⁷ Arnould, "The Africa-EU Strategic Partnership on Peace and Security", in *European and African Response to Security Problems in Africa*, Madrid, Casa Africa, 2010, p. 55.

³⁸ Franke, *ibid.*, p. 62.

³⁹ David Yost, *NATO and International Organizations*, Rome, NDC Forum Paper 3, 2007, p. 159.

and collective learning. In this respect, the upcoming EU initiative for support to African training institutions in peace and security may provide ample opportunity for cooperation of various organizations, including NATO, at the strategic and operational level – on training of the ASF, but also on the prevention, management and resolution of conflict in general.

Proposals for staff exchange programmes are laudable.⁴⁰ While they reinforce knowledge about the other organization and help create personal working relationships, they are really more a confidence-building than a capacity-building measure for the long term. On a practical level, they are often complicated because of security clearance restrictions.

In terms of information sharing, an unclassified password-protected web-based portal for information exchange between the UN, AU, EU and NATO was proposed by the UN Department of Peacekeeping Operations (DPKO). Though this was an excellent proposal for increasing cooperation at working level and the EU Joint Research Centre made a fundamental contribution, it highlighted the problems of a one-way street in information sharing. Only a few of the partners posted information, with most preferring instead to be mere consumers of information. New possibilities of establishing a real information exchange highway – to maintain the road traffic metaphor – should be explored, as is currently the case between the AU and REC/RMs.

None of these proposals is new or revolutionary, but even after years of pledges and good intentions there is still a certain level of overlap and duplication in the support to the AU. This is not only because there is no overall inter-organizational strategic thinking, but also because political vision is forced to the background while particular

⁴⁰ *Ibid.*, p. 159.

interests seem to prevail.⁴¹ Ultimately, what might be needed is the formulation of a joint grammar in peace and security, which would allow the stakeholders to better understand the logic and discourse of the organizations concerned, even in new or difficult contexts. As a complement, frequent personal interaction would make it possible to form and disseminate a common vocabulary born from practical experience.

While “the era of effective interorganizationalism is still to come,”⁴² the APSA provides a common platform for more institutionalized inter-regional cooperation, not only on the African side but also with interlocutors such as the EU and NATO. A fundamental feature of multilateralism is reciprocity.⁴³ For the time being, however, present AU relationships with EU and NATO appear rather one-sided and there is clearly more need for coordination between NATO and the EU in support of the APSA. This will make it possible to identify common areas of cooperation, and to act according to the capacities and capabilities of each organization.⁴⁴ It would be relatively easy to examine the bilateral relations linking the three organizations. Instead, this paper aims for a triangular approach. A particular strength of a tripartite relationship between the AU, NATO and the EU would be the resulting ability to encompass all facets and levels of peace and security,⁴⁵ and thus truly address the security-development nexus. Relations among the three organizations should be seen in terms of strategic opportunities instead of competition, especially where NATO and the EU are concerned. While conditions do not yet seem conducive to ending the rivalry which sometimes arises between the two, there is some margin for increased cooperation with third parties⁴⁶ (in this case

⁴¹ Koops, *ibid*, 2010, p. 64.

⁴² Major, *ibid*, p. 11.

⁴³ Koops, *ibid*, 2010, p. 69.

⁴⁴ Opitz and Troy, “Partner oder Zweckgemeinschaft”, in *Welttrends* 68, 2009, p. 66.

⁴⁵ Duke, *ibid*, p. 22.

⁴⁶ Alcaro, “La strana coppia NATO-UE”, in *Affari Internazionali*, <http://www.affarinternazionali.it/articolo.asp?ID=1100>, (accessed 18 February 2012).

the AU) on all levels. Boosting cooperation on issues such as pooling capabilities and funding could benefit all three organizations.

While some observers stress that political relationships are essential, probably the most effective partnership takes place at the operational and working level on the ground.⁴⁷ This is well illustrated by the strong involvement of staff at the AU and EU Commissions, which could be extended to their NATO colleagues. A division of labour could be envisaged in terms of the various pillars and levels of the APSA, as well as the individual capacity and focus of each organization (civil assets, military experience). Working along these lines may bring the synergies required, especially at the operational level. NATO has longstanding experience in the planning and conduct of military operations,⁴⁸ while the EU is the biggest donor to AU peace and security activities.⁴⁹ Indeed, one important lesson from the cooperation between the AU and EU is the need for long-term perspectives in the implementation of support programmes in order to add real value on the ground, as capacity-building is a slow, long-term process.⁵⁰

There are already a number of institutionalized bilateral forums for the various actors, such as the regular meetings and consultations of the AU PSC and EU COPS as well as the C2C, variously within the framework of the JAES, the COPS and the North Atlantic Council (NAC). These have paved “the way to the strengthening of cooperation between the decision-making bodies,”⁵¹ at least at bilateral level among the organizations concerned.

⁴⁷ Koops, *ibid.*, 2010, p. 62.

⁴⁸ Alcaro, “La strana coppia NATO-UE”, in *Affari Internazionali*, <http://www.affarinternazionali.it/articolo.asp?ID=1100>, (accessed 18 February 2012).

⁴⁹ Schaefer, “L’Unione Africana dopo Gheddafi”, in *Affari Internazionali*, <http://www.affarinternazionali.it/articolo.asp?ID=1952>, (accessed 18 February 2012).

⁵⁰ Kambudzi, *ibid.*, p. 85f.

⁵¹ Mubiala, “Cooperation between the United Nations, the European Union and the African Union for peace and security in Africa”, in *Studia Diplomatica* 60, no. 3, 2007, p. 120.

The idea of tripartite forums has been advanced in the past, but was often met with reluctance. Through such an arrangement the spirit of the Paris and Accra declarations on effectiveness of aid could be adapted to the area of peace and security, marking a bold step forward in ensuring coherent and coordinated approaches. This would be particularly appropriate where there is considerable overlap in membership of the organizations involved, as in the case of the EU and NATO.⁵² There is a clear need for a more refined definition of the role of each organization.⁵³ Such a division of labour based on current assets was as a matter of fact suggested some time ago by NATO Secretary General de Hoop Scheffer, in 2007.⁵⁴

Some Recommendations

• ***Cooperation at the decision-making level:*** It has already been proposed that the JAES be extended to other international frameworks.⁵⁵ As the JAES is now firmly established and AU-NATO relations are still on an ad hoc basis, it would be recommendable that the JAES and the AU-REC/RM MoU implementation meetings should open up to other international partners. The established mechanisms of interaction in these settings provide an excellent opportunity for effective coordination, as has already been the case with the Akosombo and Zanzibar consultations. The yearly meetings between the NAC and COPS, and between the AU PSC and COPS, could take place within a triangular format of this kind. With the overlap in membership, one could even say that “double-hatting” on the European side would actually contribute to a rationalization of meetings and not necessarily increase

⁵² Keohane, “The EU and NATO’s future”, in *What do Europeans want from NATO?*, Paris, EUISS, 2010, p. 26.

⁵³ Vasconcelos, “Why an EU perspective on the NATO Strategic Concept matters”, in *What do Europeans want from NATO?*, Paris, EUISS, 2010, p. 5.

⁵⁴ de Hoop Scheffer, *NATO and the EU: Time for a new Chapter*, <http://www.nato.int/docu/speech/2007/s070129b.html>, (accessed 18 February 2012).

⁵⁵ Pirozzi, *ibid.*, p. 99.

their number. Given the current lack of coherence and effectiveness in the coordination of international support for African activities in peace and security,⁵⁶ ideally the AU would take over the coordinating role. Cooperation should be seen as an incentive for improved efficiencies, not as a competition for scarce resources. In addition, following up on the G8++ Africa Clearing House, the Group of 20 (G20) might have an increasing role to play in this field, as AU, NATO and EU members are represented there as well.

• **Cooperation at working level:** The task at hand is not only to bring together officials working in cases where all three organizations are concerned and engaged,⁵⁷ but to come to a fruitful and reciprocal exchange of resources, including information. The EU's APF, funded as it is by the European Development Fund, is not in a position to finance military expenses for peace support operations. Here NATO might have a role to play. In addition, the presence of military, civilian and police components in the ASF offers the possibility for a clear-cut division of labour in regard to international support efforts, based on the salient characteristics of the EU and NATO. Given its primarily military character,⁵⁸ NATO should aim its efforts at complementing and reinforcing the activities of other international partners,⁵⁹ particularly with regard to supporting the AMANI Africa exercise. This kind of cooperation would allow NATO to open up planning procedures to non-military organizations and non-NATO countries.⁶⁰ Some have argued for a single exit and entry point system of support,⁶¹ which is unlikely to materialize in this multipolar context. While this might not be possible at the support exit point, at the entry point first steps in the right direction have been taken with the AU insisting on joint

⁵⁶ Giorgis, "Coordinating International Support for African Peace and Security Efforts: From the G8 to the EU", in *The International Spectator* 45, n. 2, 2010, p. 69.

⁵⁷ Lachmann, *ibid.*, p. 18.

⁵⁸ Rynning, *ibid.*, p. 50.

⁵⁹ Yost, *ibid.*, p. 25.

⁶⁰ Rynning, *ibid.*, p. 39.

⁶¹ see Giorgis, *ibid.*, p. 79.

reporting. The Memorandum, with at least 14 international partners, could also lead the way to other forms of coordination and help avoid unnecessary duplication. On the ground, the EU Delegation, the NATO Liaison Office, the AU and the REC/RM Liaison Offices together with the AUPG offer an excellent platform for coordination. The AUPG could indeed act as a clearing house for all initiatives and programmes, complemented by consultations at the decision-making level. As the JAES implementation team meetings take place on an informal level, extending an invitation to NATO could be envisaged. It would surely make sense to include the Alliance in the already ongoing AU-EU joint assessment mission in post-conflict countries.

* * *

The need for capacity-building to be demand-driven cannot be overstated. African ownership, as espoused by the JAES for programme design and implementation, is essential. As the APSA is a work in progress, the same necessarily applies to effective international coordination of support. Challenges for the operationalization of the APSA on the African side are further aggravated by incoherent support from international partners, whose contribution is nevertheless critical. “External assistance by itself, however, will not suffice.” In terms of viability, there is a clear need to increase African contributions to the Peace Fund, as “history provides no example of a regional organisation dependent on external assistance that has thrived and succeeded.”⁶²

Although some argue that “what is still missing is links on the ground to other international organisations,”⁶³ this seems to be especially true of coordination at the decision-making level. At working level, regular contacts and exchanges already take place. That is why cooperation at

⁶² Giorgis, *ibid.*, pp. 72-82.

⁶³ Drent, “The EU’s Comprehensive Approach to Security: A Culture of Co-ordination?”, in *Studia Diplomatica* 64, no. 2, 2011, p. 9.

the decision-making level should be a priority, and the current NATO-EU relationship should be broadened beyond a narrow interpretation of the existing Berlin Plus arrangements⁶⁴ to allow for coordinated cooperation with the AU. On all sides, what is necessary is - and remains - political will. The question is how to achieve concrete manifestation of this political will. "In the Outcome Document of the September 2005 UN Summit, the Member States committed themselves to forge predictable partnerships and arrangements between the UN and regional organisations,"⁶⁵ with regard to Chapter VIII of the UN Charter.⁶⁶

This commitment is easily extended to arrangements between regional organizations, as demonstrated by the JAES and the APSA. In terms of opportunities to build the political will necessary for enhanced tripartite relations between the AU, NATO and the EU, upcoming meetings in the context of Chapter VIII arrangements could be the key pointer to the way ahead. These could possibly be complemented with round table meetings at ministerial level on a specific subject relevant to all three organizations,⁶⁷ such as the security-development nexus. All told, there can be no doubt that "development and security are inextricably linked."⁶⁸

⁶⁴ Koops, *ibid.*, 2010, p. 65.

⁶⁵ Mubiala, *ibid.*, p. 119.

⁶⁶ While neither NATO nor the EU acknowledge themselves as Chapter VIII organizations, they have been participating in meetings on the subject since the beginning. In addition, the Chapter VIII context would provide a legitimate framework for cooperation within the UN, as the primary responsibility for international peace and security resides with the UN and its Security Council.

⁶⁷ Pirozzi and Schaefer, "Dopo il vertice di Tripoli - Cooperazione Africa-Ue e il ruolo dell'Italia", in *Affari Internazionali*, <http://www.affarinternazionali.it/articolo.asp?ID=1617>, (accessed 18 February 2012).

⁶⁸ United Nations, *ibid.*, p. vii.

Canadian Interests in Building Cooperation Between NATO and the African Union

Alexander Moens and Jimmy Peterson

Introduction

Canada has a long-standing role in African development. Africa's complex development and humanitarian challenge resonates with the Canadian public, mass media, and civil society groups.¹ Despite recent commitments to development in Afghanistan and Haiti and new projects in Latin America, the majority of Canada's overall Official Development Assistance in terms of food security and bilateral projects remains in Africa.² Canadian development aid towards Sub-Saharan Africa from 2000 until 2010 totalled \$US13.12 billion.³

The security orientation of Canadian foreign policy in the last decades has gradually moved away from its traditional emphasis on multilateral diplomacy, soft power and UN peacekeeping. In this evolution, the North Atlantic Treaty Organization (NATO) has gained in importance as a foreign policy tool for Canada. The robust build-up of the Canadian Armed Forces (CF) since 2005 provides Canada

¹ D. Black, "Leader or Laggard? Canada's Enduring Engagement with Africa", in *Readings in Canadian Foreign Policy: Classic Debates & New Ideas*, ed. by D. Bratt & C. Kukucha, Don Mills: Oxford University Press, 2007, p. 379.

² Canadian International Development Agency, "Report to Parliament on the Government of Canada's Official Development Assistance 2009–2010." <http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/NAT-112101555-JQZ> (accessed April 2, 2012).

³ ONE, *Canada, One*, The Data Report 2011, <http://www.one.org/data/en/countries/g7/canada/> (accessed 15 February 2012).

with a more flexible approach to address threats to international peace and security, as well as the ability to help in all types of humanitarian crises. Canada's front-tier participation in the International Security Assistance Force (ISAF) in Afghanistan and its role in recent NATO operations in Libya illustrate this shift. Canada's military re-investment and the reforms to its command structures allow it to operate more closely with other NATO partners, including the United States (US).

At the same time, Canada retains its interest in working with the European Union (EU) as well as in assisting the United Nations (UN) in its operations. Canada has been supporting the African Union (AU) in its various missions on the continent, including peacebuilding through the UN and NATO and in cooperation with the EU. It has provided equipment and training resources to the AU Mission in Southern Sudan (AMIS) since 2005, and to the hybrid AU-UN operations in Darfur (UNAMID) since early 2008. Canada helps in the training of the African Standby Force (ASF) and contributes to numerous policing and humanitarian efforts. Most recently, Canada announced that it would support the AU Mission in Somalia (AMISOM) with a police unit.

The legacy of colonialism under several European states which are now part of NATO and the direct role played by the US in African affairs during the Cold War create understandable reserve on the part of many African countries concerning the presence of NATO qua alliance operating on the African continent. However, Canada's lack of "threatening" interests and its history as a non-colonial power and peacekeeping nation during the Cold War alongside other allies such as Norway enhance its legitimacy on the continent.

This paper will assess the complexity of Canada's multi-institutional approach to peace-, security- and state-building activities in Africa. It will examine how Canada's trio of objectives (development, diplomacy

and defence) can be enhanced through further political and operational cooperation between the AU and NATO. It will argue that Canada's ongoing military re-investment and growing role in NATO should put more emphasis on helping the AU to construct a security regime for the continent. This paper will consider these policy arguments in the context of three strategic assumptions. The first assumption is that NATO is more likely than the EU or the UN to increase its capacity to assist the AU militarily. The second is that the demand for assistance with security tasks on the African continent and offshore will increase, including in response to violent Islamist groups that undermine governance and civil stability in various African areas. Finally, the third assumption is that, despite the political tension in the wake of NATO's recent engagement in Libya, both organizations (AU and NATO) will find it necessary to further the ties developed since 2005.

Human Security and the Responsibility to Protect (R2P)

While former Canadian Prime Minister Lester Pearson made a pioneering contribution to the evolution of UN peacekeeping, Canadian foreign policy in the 1990s contributed substantially to the notion of human security. Rather than the traditional emphasis on a state's national security, human security focuses on threats to individuals when governments or intra-state violence threaten people with genocide, ethnic cleansing, war crimes, and crimes against humanity. Former UN Secretary-General Kofi Annan argued that state sovereignty was "never meant as a license for governments to trample on human rights and human dignity."⁴

Traditional interpretations of sovereignty include the state's exclusive jurisdiction to govern over its internal affairs without

⁴ B. Jentle, "A Responsibility to Protect: The Defining Challenge for the Global Community", in *Harvard International Review* 28.4, 2007, p. 19.

outside interference.⁵ Negative sovereignty is based on the notion that states are not supposed to interfere in another state's internal affairs regardless of its record in keeping its citizens safe from harm.⁶ Conversely, positive sovereignty calls for state responsibility over the provision of political goods to its citizens. A state has obligations to protect and promote the general welfare of its people.

The Responsibility to Protect (R2P) concept was developed to address the failures of states in preventing humanitarian crimes within their own territories.⁷ When states are unwilling or unable to protect civilians, the "principle of non-intervention yields to the international responsibility to protect."⁸ The international community has the responsibility to prevent and react to such situations, and help rebuild affected societies.

At the 1998 Rome Conference, former Canadian Foreign Affairs Minister Lloyd Axworthy played a crucial role in galvanizing international support for the creation of the International Criminal Court (ICC).⁹ Moreover, Canada sponsored the International Commission on International and State Sovereignty (ICISS) in 2000. The ICISS generated the R2P principle, whereby the international community has the right to intervene in a state's internal affairs if that state is incapable or unwilling to protect its citizens.

Human security and the R2P are fundamental principles that underlie the AU's 2001 founding Constitutive Act. The concept was

⁵ E. Mintz et al., *Politics, Power and the Common Good: An Introduction to Political Science*, 2nd ed., Toronto: Pearson Longman, 2009, p. 29.

⁶ R. Axtmann, "The State of the State: The Model of the Modern State and its Contemporary Transformation", *International Political Science Review* 25.3, 2004, p. 262.

⁷ International Coalition for the Responsibility to Protect, *The Responsibility to Protect*, ICRtoP, 2012, <http://www.responsibilitytoprotect.org/> (accessed 26 March 2012).

⁸ J. Boulden, "The Responsibility to Protect", in *Journal of Refugee Studies* 15.4, 31 December, 2002, p. 428.

⁹ J. Goldstein et al., *International Relations*, 2nd ed., Toronto: Pearson Longman, 2008, p. 138.

integral to the transformation of the Organization of African Unity (OAU) into the AU and the development of the African Peace and Security Architecture (the APSA).¹⁰

Canada's Shift from Light to Robust Peacekeeping

Canada's role in Africa has become more complex following the failures of UN peacekeeping missions in Somalia, Rwanda, and the former Yugoslavia in the 1990s. Canada has gradually drawn down its resources in UN peacekeeping operations. They are now seen as too restrictive, with their traditional rules of engagement and lightly-armed blue helmets. The international community has learned that to make a credible commitment to protecting civilians' lives, interventions need more diplomatic muscle and military power.¹¹ Until 1992, Canada was consistently the largest contributor of UN peacekeepers, but it fell to the 58th largest contributor in 2010.¹² The last large UN operation per se for Canada was in 2000, when Canada sent 450 peacekeepers as part of the UN Mission to Ethiopia and Eritrea (UNMEE).¹³ The peacekeepers served as part of the Dutch-Canadian battle group and six Canadian Force members worked as UN military observers.

Canada has increasingly pursued more robust peacekeeping operations in stronger frameworks such as NATO. Canada affirmed its

¹⁰ J. Okeke, "Has the African Union Delivered in its Responsibility to Protect?", *Stockholm International Peace Research Institute*, December 5, 2011, p. 2.

¹¹ J. Goldstein and J. Western, "Humanitarian Intervention Comes of Age: Lessons from Somalia to Libya", *Foreign Affairs*, 90.6, 2011, http://find.galegroup.com.proxy.lib.sfu.ca/gtx/infomark.do?&source=gale&srcprod=CPI&prodId=CPI&userGroupName=sfu_z39&tabID=T002&docId=A272485180&type=retrieve&contentSet=IAC-Documents&version=1.0 (accessed 16 February 2012).

¹² D. Leger and N. Lemay-Hébert, *Peacekeeping: A New Start*, Toronto Star, Opinion, May 29, 2010 <http://www.thestar.com/opinion/editorialopinion/article/815587--peacekeeping-a-new-start> (accessed 16 February 2012).

¹³ Government of Canada, *Canada-Eritrea Relations*, Government of Canada, Bilateral Relations, 14 March, 2011, http://www.canadainternational.gc.ca/kenya/bilateral_relations_bilaterales/canada-eritrea.aspx?menu_id=62&view=d (accessed 16 February 2012).

commitment to NATO with its significant military participation in the air campaign against Serbia in 1999. In 2010, Canada declined a UN request to lead the peacekeeping mission in the Democratic Republic of the Congo (DRC).¹⁴ Only nine staff members and six police personnel are part of the UN Organization Stabilization Mission in the DRC (MONUSCO), which took over from the UN Mission in the DRC (MONUC) in July of 2010.¹⁵ The extensive engagement with Afghanistan was the primary reason for not taking the lead in Congo. Nevertheless, Canada's contemplation of a lead role in the mission in the DRC harkened back to memories of the genocide in Rwanda.

The failure of the Canadian and UN peacekeeping mission in preventing the Rwandan genocide has had a traumatic effect on the Canadian psyche towards peacekeeping missions. Canadian General Roméo Dallaire served as the UN Force Commander during the slaughter of 800,000 Rwandans in 1994. Dallaire returned to Canada disillusioned.¹⁶ While he conceded that he made mistakes in not bolstering enough UN support to provide the resources to prevent the genocide,¹⁷ he also questioned the morality of UN bureaucrats and international leaders in not providing the necessary operational freedom to stop the genocide. Dallaire's contention that the international community should have forcefully intervened and protected the Rwandan peoples reflects wider Canadian sentiment. In 2004, Canadian Foreign Affairs Minister Bill Graham described the genocide as an "earthquake."¹⁸ Canada's push for the international endorsement of the R2P principle was heavily influenced by the

¹⁴ C. Clark, "Canada Rejects UN Request to Lead Congo Mission", *The Globe and Mail*, April 30, 2010, Politics section.

¹⁵ National Defence and the Canadian Forces, *Operation Crocodile*, National Defence, Canadian Expeditionary Force Command (CEFCOM), February 6, 2012, <http://www.comfec-cefcom.forces.gc.ca/pa-ap/ops/crocodile/index-eng.asp> (accessed 16 February 2012).

¹⁶ R. Dallaire, "The Lessons of Rwanda", in *Refugee Survey Quarterly* 23.4, 2004, p 19.

¹⁷ R. Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, Toronto, Vintage Canada, 2003, p. 6.

¹⁸ M. Cappeliez, "Memory Pools: Representation of the Rwandan Genocide in Canadian Novel, Media, and Policy", Centre for Foreign Policy Studies, 2005, p. 1.

Rwandan genocide.¹⁹

Canada generally does not pursue NATO-led operations in place of the overall authority of the United Nations. Rather, in principle a mandate should be provided by the UN, following which the implementation is often better left in the hands of NATO because of its ability to do advanced force planning and provide command and control capacity. NATO is the *de facto* military toolbox through which Western and other democratic allies can work together. NATO's operation in Kosovo in 1999 without the fiat of the United Nations Security Council (UNSC) was an exception. Afghanistan is a UN-mandated NATO mission consistent with the purposes and principles of the UN Charter, NATO is a "guarantor" of the international legal and economic order. Unfortunately, China and Russia have not shown that they want to subscribe to this "guarantor status."²⁰

If the UNSC should threaten to veto a resolution for a peacekeeping operation in Africa deemed necessary by the AU, cooperation between the AU and NATO would offer the next best level in terms of sufficient legitimacy and of capability. Such was the case with AMIS in 2005. In preparation for NATO and EU cooperation with the AU, both sides fully consulted the UN. Facing a likely Chinese veto in the UNSC on the launch of a UN mission to Darfur in 2005,²¹ the AU decided instead to launch AMIS on the basis of its new mandate as a continental security provider.

In the 1990s, Canada lacked the necessary military capacity to contribute more effectively to the maintenance of international peace

¹⁹ M. Cappeliez, "Memory Pools: Representation of the Rwandan Genocide in Canadian Novel, Media, and Policy", Centre for Foreign Policy Studies, 2005, p. 24.

²⁰ A. Rasmussen, "NATO after Libya: The Atlantic Alliance in Austere Times", in *Foreign Affairs* 90.4, 1 August, 2011, p. 2.

²¹ G. Segell, "The First NATO Mission to Africa: Darfur", in *Scientia Militaria: South African Journal of Military Studies* 36.2, 2008, p. 4.

and security. Beginning under Prime Minister Paul Martin, and now with Prime Minister Stephen Harper, Canadian defence spending increased substantially from 2005 till 2011. Harper wants Canada to act as “a principled, responsible ally ready to play a credible security role in the world.”²² He does not reject the doctrines of human security or R2P, but considers they must be complemented by credible military capability and strategic cooperation with NATO and the US. Canada’s front-tier participation in ISAF included 3,600 Canadian troops after 2006; at the time of writing, 950 personnel remain in a training capacity.²³ In Libya, Canadian Lieutenant-General Charles Bouchard led the combined NATO military mission and seven CF-18 fighter jets conducted nearly 10% of the strikes against Gadhafi’s regime.²⁴ Canada also contributed to the refuelling and patrol aircraft, as well as the Libyan naval blockade. The Afghan and Libyan missions have effectively reaffirmed the value of close bilateral cooperation with the US. Canada’s government hopes to build on these bilateral ties within NATO to secure military-to-military cooperation, including between the US Africa Command (AFRICOM) and Canada’s Expeditionary Force Command (CEFCOM).

The build-up of the Canadian Armed Forces since 2005 has brought many benefits. The addition of unmanned aerial vehicles has improved Canada’s intelligence and surveillance assets.²⁵ Canada’s four new C-17 Globemasters have been utilized in strategic airlift operations. They supported foreign civilians after the 2010 Haiti earthquake, contributed to ISAF operations, and evacuated 46 foreign citizens

²² J. Granatstein, “Harper’s Foreign Policies Have Made Canada a World Player”, in *National Post*, January 30, 2012, Full Comment section.

²³ National Defence and the Canadian Forces, *Operation Athena*, National Defence and the Canadian Forces, Canadian Expeditionary Force Command (CEFCOM), February 2, 2012, <http://www.comfec-ecfcom.forces.gc.ca/pa-ap/ops/athena/index-eng.asp> (accessed 16 February 2012).

²⁴ National Post, *Canada’s Proud Role in Libya*, National Post, Opinion, October 21, 2011, <http://www.nationalpost.com/opinion/Canada+proud+role+Libya/5585246/story.html>, (accessed 16 February 2012).

²⁵ Defence Daily International, *Canada Moves To Increase Airlift, Add UAVs*, Defence Daily International, 9.32, August 15, 2008, http://findarticles.com/p/articles/mi_6712/is_29_239/ai_n28567388/ (accessed 16 February 2012).

(Australian and British) from Libya in 2011.²⁶ Along with Canada's Chinook helicopter capacity, the purchase of 17 new Hercules C-130J medium-range aircraft in 2008 greatly improves airlift operations.²⁷

The key to understanding Canada's current international security outlook is to see that its ongoing commitment to human security and R2P principles runs parallel to its build-up of national military assets. NATO appears in this picture as the most efficient vehicle to deliver on these values and assets. Given that the AU has identified itself with human security principles and that the UNSC remains divided, the closer interaction with NATO and the AU can thus be seen as a logical policy development.

How the AU, Canada and NATO Come Together

The AU's collective security mechanism vastly improves on that of the Organization of African Unity (OAU), as it embraces a type of R2P philosophy for Africa.²⁸ Respect for human rights, human life, democratic principles, and good governance are central to the AU's founding Constitutive Act.²⁹ Article 4(h) embraces the "right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity."³⁰ The AU was the

²⁶ C. Chaplin-Thomas, *CF Helps Canadians and Friends Leave Strife-Torn Libya*, National Defence and the Canadian Forces, Canadian Expeditionary Force Command (CEFCOM), February 28 2011, <http://www.cefcom-comfec.forces.gc.ca/pa-ap/fs-ev/2011/02/28-eng.asp> (accessed 16 February 2012).

²⁷ S. Rennie, "First of Canada's New Hercules Aircraft Arrives in Afghanistan", *Toronto Star*, January 2, 2011, Hot Topics section.

²⁸ D. Mackenzie, *A World Beyond Borders: An Introduction to the History of International Organizations*, Toronto, University of Toronto Press, 2010, p. 97.

²⁹ S. Dersso, "Chapter Seven: Reflections on the Adequacy and Potential of the APSA for Responding to Popular Uprisings", *Conference Report: A Critical Look at the 2011 North African Revolutions and their Implications*, ed. by I. Souare and B. Mesfin, Addis Ababa: Institute for Security Studies, May 31, 2011, p. 35.

³⁰ African Union, *Constitutive Act of the African Union*, African Union Summit, July 25, 2001, http://www.au2002.gov.za/docs/key_oau/au_act.htm (accessed 27 March 2012).

first international governmental organization to tangibly commit peacekeeping troops to managing the problems in Darfur.³¹ Since the 2005 World Summit, African policy-makers have become more aware of the doctrine of human security through the work of the AU Commission.³² AU principles match Canada's emphasis on human security and R2P.

The transformation of the OAU into the AU and NATO's institutional transformation in the post-Cold War era to take on global security tasks have contributed to the emergence of security cooperation between the AU and NATO.³³ AU-NATO cooperation began in June of 2005, allowing NATO members such as Canada to multiply their capacity to assist in African security and human security development. As noted above, Canada participates in numerous UN, NATO, and AU peacekeeping and peacebuilding efforts in Africa, and aids in airlift, military training, command and control assistance, as well as the leasing of equipment.

The AU mandate includes countering Islamist organizations that seek to undermine governance and the stability of civil society in various East and North African states. AU and Kenyan troops have achieved some recent success in the Kenyan offensive against Al-Shabaab.³⁴ Yet, Al-Shabaab militias have resorted to hit-and-run attacks and still control much of southern Somalia. One of Canada's foreign policy goals is to be part of a broad-based coalition that fights against global terrorism. In Afghanistan, Canada learned valuable lessons that it may apply in assisting the AU's battle against terrorism. Terrorist

³¹ K. Pease, *International Organizations*, 5th ed., New York, Pearson Longman, 2012, p. 34.

³² T. Tieku, "African Union Promotion of Human Security in Africa", in *African Security Review* 16.2, 2007, p. 26.

³³ E.A. Akuffo, "Human Security and Interregional Cooperation Between NATO and the African Union", *Global Change, Peace & Security* 23.2, June 2011, pp. 233-234.

³⁴ O. Bakani, "Kenyan Army Claims Al-Shabaab Rebels are Crippled", *Mail and Guardian Online*, February 14, 2012, East Africa section.

organizations require territory in order to organize their activities.³⁵ Allowing Al-Qaeda to establish a firm foothold in Afghanistan meant that international terrorist threats were heightened. Against this background, Canadian Forces learned to become more patient and resilient in facing compounding threats.³⁶ Despite setbacks and tragic losses, Canadian soldiers performed very well in Kandahar and would bring expertise to Africa as advisers to the AU in future operations against Islamist fighters.

Of course, the mixture of international, organizational, and regional interest in Africa is complex and NATO will most often be just one part of the mix. UNSC mandates are important to NATO, EU- or AU-led operations. China, India and other powers are developing their own relationships in Africa and should be seen as future partners in security building. Canada's emphasis on AU-NATO cooperation in terms of security operations in Africa does not preclude or diminish the role of other organizations or major powers. Canada has already developed a flexible framework with the EU to complement NATO actions.

EU aid and trade relations with Africa are the most advanced of their kind between Africa and Western states. This stems from the 1975 Lomé Conventions, which created a free trade agreement between the EU and European powers' former African, Caribbean and Pacific (ACP) colonies. EU tariffs were removed on most products, and the EU supplied aid and loans as part of the agreement. The Cotonou Agreement, which entered into force in 2003, extended the Lomé Conventions.

In recent security cooperation, the EU has been one of the biggest contributors to Africa. It has spent more than 740 million Euros

³⁵ A. Wilner, "Self-Interest or Self-Importance: Afghanistan's Lessons for Canada's Place in the Modern World", *Atlantic Institute for Market Studies*, March 2007, p. 7.

³⁶ D. Bercuson and J. Granatstein, "Afghanistan's Lessons Weren't Just Military", *The Globe and Mail*, October 17, 2011, Opinion section.

towards capacity building, peace support operations, early response mechanisms, and contingencies.³⁷ Nevertheless, EU military operations in Africa have faced numerous challenges. Two EU missions in the DRC, in 2003 and 2005, showed that the EU needed a stronger planning capability in terms of force generation.³⁸ EU security sector reform operations in Kinshasa and Guinea-Bissau also have a mixed record.³⁹ On the other hand, the EU experienced more success in its bridging exercise for the UN in Operation EUFOR Chad/CAR in 2009. Another success is the EU naval operation in Somalia (“Atalanta”), which is providing secure humanitarian aid.

In 2005, Canada and the EU signed the “Agreement Establishing a Framework for the Participation of Canada in EU-led Crisis Management Operations”. The agreement provides the blueprint for Canada to join civilian as well as military EU operations as conducted under the EU’s Common Security and Defence Policy. Yet Canadian participation in EU-led military operations should not detract from its military interests in NATO,⁴⁰ where it has a voice at the table and a strong record as an effective partner. Canada is not a member of the EU, and it will be difficult to reach similar influence in EU-led missions unless the EU operation is fully under NATO’s umbrella as envisioned in the Berlin-Plus framework of 1996. Canadian cooperation in EU civilian and police missions is less of a problem as the numbers tend to be small and the mandate less volatile than military tasks. One example of this is the presence of three Canadian police officers on the EU Police (EUPOL) Mission in Kinshasa, from April 2005 until

³⁷ European Commission, *African Peace Facility*, European Commission, Development and Cooperation – Europeaid, February 17, 2012, http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm (accessed 17 February 2012).

³⁸ A. Vines, “Rhetoric from Brussels and Reality on the Ground: the EU and Security in Africa”, in *International Affairs* 86.5, 2010, p. 1095.

³⁹ A. Vines, “Rhetoric from Brussels and Reality on the Ground: the EU and Security in Africa”, in *International Affairs* 86.5, 2010, p. 1097.

⁴⁰ A. Moens, “Canadian Participation in EU-Led Military Operations does not Serve Canadian Interest”, *Canadian Defence & Foreign Affairs Institute* 4.2, 2006, <http://www.cdfai.org/newsletters/newsletter-summer2006.htm> (accessed 14 February 2012).

June 2007.⁴¹

Canada brings added strength to NATO by virtue of its close military cooperation with the US. This may be difficult for non-NATO countries to notice or appreciate, but Canada's long-standing and close relationship with the US military allows it to bring a constructive non-US voice to American decision-making. NATO is a vital bridge in this relationship and Canadian military capacity is a critical aspect of Canada's voice being heard.

Track 1: Canada and Military-Technical Cooperation between NATO and the AU

AU-NATO security cooperation began in 2005. The AU pragmatically recognized that it did not yet have the capabilities and experience to deploy an effective peacekeeping force entirely on its own, and therefore requested assistance from NATO and the EU.⁴² Because of the humanitarian crisis taking place in Darfur and the inability and unwillingness of other international organizations to intervene (China would have rejected a UNSC resolution for a no-fly zone), NATO accepted the mission of providing logistical support, airlift and training for AU forces. It was the first time that the Alliance had taken on a mission in Africa, though no NATO member state's security was directly threatened.⁴³

NATO provided airlift for over 30,000 troops, civilian police, and military observers from AU troop-contributing countries in and out

⁴¹ Royal Canadian Mounted Police, *Completed Missions*, Royal Canadian Mounted Police, 2006-2008 Biennial Review, <http://www.rcmp-grc.gc.ca/po-mp/rev-revue/page12-eng.htm> (accessed 15 February 2012).

⁴² E.A. Akuffo, "Human Security and Interregional Cooperation Between NATO and the African Union", *Global Change, Peace & Security* 23.2, June 2011, p. 224.

⁴³ G. Segell, "The First NATO Mission to Africa: Darfur", in *Scientia Militaria: South African Journal of Military Studies* 36.2, 2008, p. 1.

of Darfur in the AMIS operation.⁴⁴ The EU and NATO cooperated in the training of AU troops. Effective cooperation in Sudan led in June 2007 to further NATO assistance with AMISOM, where NATO provides strategic airlift and sealift support to the AU. The Alliance also contributes to the counter-piracy activities taking place off the Horn of Africa, which have led to a nearly 50% drop in the number of successful pirate attacks in the past year.⁴⁵ NATO training of the ASF began in 2007.

In 2005, as part of AMIS, Canada loaned 105 Grizzly and Husky armoured vehicles to the mission in Sudan for Nigerian, Rwandan and Senegalese peacekeepers.⁴⁶ Eleven Canadian force personnel were used in mission support and for logistics training. After AMIS ended the armoured vehicles were utilized as a part of UNAMID until 2009 when Nigeria, Rwanda and Senegal introduced their own armoured vehicles. Since 2008, between six and 15 Canadian Forces personnel have been deployed in Darfur. Following South Sudan's independence in 2011, 14 Canadian Forces personnel have supported the UN Mission in the Republic of South Sudan (UNMISS). Overall, 25 civilian police force members and 50 Canadian Forces personnel have been committed to three peace operations in South Sudan and Sudan (UNAMID, UNMISS, and the UN Interim Security Force for Abyei – UNISFA).⁴⁷ A total of \$885 million has been invested towards Sudanese and South Sudanese security and humanitarian efforts since 2006.⁴⁸ In Sierra Leone, nine Canadian Forces personnel have been

⁴⁴ G. Segell, "The First NATO Mission to Africa: Darfur", in *Scientia Militaria: South African Journal of Military Studies* 36.2, 2008, pp. 17-18.

⁴⁵ J. Michaels, "Pirate Attacks Around Horn of Africa Sliced Nearly in Half", in *USA Today*, January 11, 2012, News section.

⁴⁶ National Defence and the Canadian Forces, *Operation Saturn*, National Defence, Canadian Expeditionary Force Command (CEFCOM), January 17, 2012, <http://www.cefcom.forces.gc.ca/pa-ap/ops/saturn/index-eng.asp> (accessed 15 February 2012).

⁴⁷ Government of Canada, *Security*, Government of Canada, Canada-Sudan, December 28, 2011 <http://www.canadainternational.gc.ca/sudan-soudan/security-securite.aspx?lang=eng&view=d> (accessed 16 February 2012).

⁴⁸ Government of Canada, *Canada's Approach*, Government of Canada, Canada-Sudan, December 28,

deployed since 2000 to support the International Military Advisory Training Team.⁴⁹ They provide technical expertise and advisory and training support to Sierra Leone's armed forces.

Canada gives naval support to the NATO-led counter-piracy operations off the Horn of Africa. One frigate with 250 Canadian Forces (naval) personnel on board is regularly committed to Africa.⁵⁰ In February of 2012, Canadian Foreign Affairs Minister John Baird announced the shifting of a police unit from Uganda to Somalia to contribute to AMISOM.⁵¹

What may be referred to as AU-NATO "track 1" security cooperation has thus been a success. It is based on military and technological assistance as requested by the AU. It has set a useful precedent in avoiding commitment of NATO ground troops on the African continent and promoting African solutions to African problems.⁵² Canada has long supported African peacekeepers at a bilateral level.⁵³ In African peace support operations, Canada has provided training, equipment, logistics, and financial support at levels similar to those of the EU and US in AMIS and UNAMID. Furthermore, the Contact Group being used to coordinate the AU-NATO operations in Somalia is important for enhanced political cooperation. This ad hoc group provides a

2011, <http://www.canadainternational.gc.ca/sudan-soudan/approach-approche.aspx?lang=eng&view=d> (accessed 16 February 2012).

⁴⁹ National Defence and the Canadian Forces, *Operation Sculpture*, National Defence and the Canadian Forces, Canadian Expeditionary Force Command (CEFCOM), January 11, 2012, <http://www.cefcom-comfec.forces.gc.ca/pa-ap/ops/sculpture/index-eng.asp> (accessed 17 February 2012).

⁵⁰ National Defence and the Canadian Forces, *Operation Metric*, National Defence and the Canadian Forces, Canadian Expeditionary Force Command (CEFCOM), January 23, 2012, <http://www.cefcom-comfec.forces.gc.ca/pa-ap/ops/metric/index-eng.asp> (accessed 17 February 2012).

⁵¹ Foreign Affairs and International Trade Canada, *Minister Baird Statement After the London Conference on Somalia*, Foreign Affairs and International Trade Canada, February 23, 2012, <http://www.international.gc.ca/media/aff/news-communiqués/2012/02/23a.aspx?lang=eng&view=d> (accessed 26 March 2012).

⁵² NATO, *NATO Assistance to the African Union*, North Atlantic Treaty Organization, 2012, http://www.nato.int/cps/en/natolive/topics_8191.htm (accessed 17 February 2012).

⁵³ O. Bachmann, "The African Standby Force: External Support to an 'African Solution to African Problems'", *Institute of Development Studies*, Research Report 67, April 2011, p.15.

political umbrella for all AU, NATO and partner countries to participate in overall decision-making, and guidelines for operations.

Track 2: Canada and AU-NATO Relations in Libya

Unlike NATO's efforts in Somalia and Sudan and the training of the ASF, NATO's Operation Unified Protector (OUP) in Libya has been criticized by many African nations. South Africa strongly denounced the NATO air strikes in Libya.⁵⁴ AU officials from Nigeria and the Sub-Saharan region have asserted that UNSC Resolution 1973, which established a no-fly zone to protect Libyan civilians and was adopted in March 2011, was used by NATO to institute regime change in Libya. While the political lead in OUP came from France, Canada played a strong role in getting NATO to take on the mission. As stated above, a Canadian led the combined NATO military mission and Canadian aircraft conducted nearly 10% of the strikes against Gadhafi's regime.⁵⁵ Canada also contributed to the refuelling and patrol aircraft, as well as the Libyan naval blockade. It can thus be seen that Canada has not only taken a strong role in track 1 activities, but has also been in the centre of "track 2" NATO involvement in Africa. In this track, NATO directly participates in African security crises rather than support AU operations. Obviously, track 2 operations are more contentious and have the potential of undermining long-term AU-NATO cooperation. Most Canadians are not aware of the tension that exists between track 1 where the AU takes the lead versus track 2 where NATO takes charge.

The AU Roadmap on Libya stated that "only the people of Libya have a right to determine their future" and that "external forces should

⁵⁴ L. Charbonneau, *U.N. Chief Defends NATO from Critics of Libya War*, United Nations, Reuters, 14 December, 2011, <http://www.reuters.com/article/2011/12/14/us-libya-nato-un-idUSTRE7BD20C20111214>, (accessed 27 March 2012).

⁵⁵ National Post, *Canada's Proud Role in Libya*, National Post, Opinion, October 21, 2011, <http://www.nationalpost.com/opinion/Canada+proud+role+Libya/5585246/story.html>, (accessed 16 February 2012).

not seek to determine the future of Libya on behalf of the Libyan people.”⁵⁶ The AU posited that it did not seek to keep Muammar Gadhafi in power, but that his departure was not a precondition for it to enter into negotiation with him. AU Commission President Jean Ping argued that NATO had denied the AU its rightful role in playing an integral role in resolving the crisis in Libya.⁵⁷ NATO was accused of mission creep – from protection of civilians to regime change.⁵⁸

The AU Roadmap and criticism are important, but must be seen in relation to three other considerations. First, Africa was not speaking with a united voice. Just a week after the AU’s rejection of “any foreign military intervention, whatever its form”⁵⁹ the three non-permanent UNSC members from Africa (Nigeria, South Africa, and Gabon) voted in favour of UNSC Resolution 1973, which called for “all necessary measures” in order to protect Libyan civilians.⁶⁰ Second, the AU was not the only regional organization involved: North African countries also looked to the Arab League. The League suspended Libya’s membership after Gadhafi’s forces brutally suppressed the uprising in eastern Libya in February of 2011.⁶¹ Egypt and the Arab League recognized Libya’s National Transitional Council (NTC) in August 2011. Third, the

⁵⁶ S. Assefa, “Section Three: Towards Possible Solutions”, *Conference Report: A Critical Look at the 2011 North African Revolutions and their Implications*, ed. by I. Souare and B. Mesfin, Addis Ababa: Institute for Security Studies, May 31, 2011, p. 34.

⁵⁷ Africa Research Bulletin, “AU Mediation Marginalized”, *Africa Research Bulletin: Political, Social and Cultural Series* 48.5, June 2011, p. 18843.

⁵⁸ Africa Research Bulletin, “AU Mediation Marginalized”, *Africa Research Bulletin: Political, Social and Cultural Series* 48.5, June 2011, p. 18844.

⁵⁹ S. Dersso, “Chapter Seven: Reflections on the Adequacy and Potential of the APSA for Responding to Popular Uprisings”, *Conference Report: A Critical Look at the 2011 North African Revolutions and their Implications*, ed. by I. Souare and B. Mesfin, Addis Ababa: Institute for Security Studies, May 31, 2011, p. 39.

⁶⁰ United Nations, *Security Council Approves No-Fly Zone Over Libya, Authorizing All Necessary Measures to Protect Civilians, By Vote of 10 in Favour with 5 Abstentions*, UN Security Council, Department of Public Information, March 17, 2011, <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>, (accessed 27 March 2012).

⁶¹ Haaretz, *Arab League and Egypt Recognize Libya’s Rebels as Capital Tripoli Falls*, Haaretz, News: Middle East, August 22, 2011, <http://www.haaretz.com/news/middle-east/arab-league-and-egypt-recognize-libya-s-rebels-as-capital-tripoli-falls-1.380082>, (accessed 27 March 2012).

difference between R2P and supporting regime change is a lot more difficult to establish in practice than in theory.⁶² Rebel-held cities were constantly shelled by the army and civilians were increasingly targeted by snipers.⁶³ Gadhafi's government committed crimes against humanity and he called on his supporters to attack the demonstrators and "cleanse" Libya. Clearly, the R2P concept was at stake.⁶⁴ It is not clear how negotiations with Gadhafi as envisioned in the AU Roadmap would have been able to stop this activity. What leverage could be put on Gadhafi? The lives of many of the one million inhabitants in Benghazi hung in the balance. Without assisting the Libyan people fighting Gadhafi, NATO could not have protected Libyan civilians for long.⁶⁵

Conclusion: Canada and the Future of AU-NATO Relations

NATO now has two faces in Africa: the constructive, supportive face associated with AU operations in Sudan and Somalia, and the "imposter" face of the Libya intervention. Many Africans reject the notion of NATO acting in Africa without the AU in the political "driver's seat". Political disagreement at the highest level makes the Libyan case the opposite of the track 1 AU-NATO experience that has existed since 2005. This is a serious problem that calls for political dialogue between NATO and the AU. Both sides bring legitimate concerns to the table. The R2P doctrine is a UNSC matter and a humanitarian concern that is broader in scope than the formula of "African solutions to African problems". After all, the UNSC mandate is global. At the same time, the R2P doctrine must

⁶² K. Homan, "Libië: Responsibility to Protect en de NAVO", *Atlantisch Perspectief*, December 2011, pp. 24-29.

⁶³ The Economist, "International: The Lessons of Libya; Responsibility to Protect", in *The Economist* 399.8734, 21 May, 2011, p. 68.

⁶⁴ A. Saleh, "Libya and the Responsibility to Protect (R2P)", in *Washington Report on Middle East Affairs* 30.6, August 1, 2011, p.45.

⁶⁵ K. Volker, *Don't Call it a Comeback: Four Reasons why Libya Doesn't Equal Success for NATO*, Foreign Policy, August 23, 2011, http://www.foreignpolicy.com/articles/2011/08/23/dont_call_it_a_comeback (accessed 17 February 2012).

have well defined parameters and must not be a formula for promiscuous regime change. In addition, even with a UNSC mandate NATO must create a better understanding with the AU in order to be involved in Africa. After all, how would Europeans feel if the UNSC mandated the AU to conduct operations in Europe? In the long run, both the UN and NATO must work toward African solutions which recognize the AU as the key decision-making and implementing body, with NATO in a support role.

Canada is in the thick of both NATO experiences in Africa. While there are no easy solutions, two points must be highlighted.

First, the bottom-up military and technical assistance provided by NATO to the AU in track 1 must continue. Both the threat of failing states and Islamist violence loom as potential destabilizing forces in several African societies.⁶⁶ Canada must continue to assist in the building up of the ASF and provide significant airlift resources to AU operations. NATO investments in Africa have a multiplier effect on the AU's security regime.

Second, Canada should apply its active role in both AU-NATO tracks to help bridge the gap between NATO and AU thinking on peace and security in Africa. One could imagine a crisis, for example, in Algeria that might put pressure on the relationship again. What can be learned from Libya? What should be the protocol of consultation and cooperation between the two organizations? How can they deal with both shared and contrasting interests, and how can they work together on UNSC-mandated action? What language may be needed in a UNSC resolution to achieve R2P objectives at the lowest cost? Canada, together with Norway and a few other NATO allies, has the political capital to take the diplomatic initiative in persuading NATO to create such a dialogue with the AU.

⁶⁶ D. Shinn, "Al Shabaab's Foreign Threat to Somalia", in *Orbis* 55.2, 2011, p. 215.

ANNEX I

North Atlantic Treaty

Washington D.C., 4th April, 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic

collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of or on the

Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

- on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty

and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications.

Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will

inform the Governments of the other Parties of the deposit of each notice of denunciation.

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

ANNEX II

Constitutive Act of the African Union

We, Heads of State and Government of the Member States of
the Organization of African Unity (OAU):

1. The President of the People's Democratic Republic of Algeria
2. The President of the Republic of Angola
3. The President of the Republic of Benin
4. The President of the Republic of Botswana
5. The President of Burkina Faso
6. The President of the Republic of Burundi
7. The President of the Republic of Cameroon
8. The President of the Republic of Cape Verde
9. The President of the Central African Republic
10. The President of the Republic of Chad
11. The President of the Islamic Federal Republic of the Comoros
12. The President of the Republic of the Congo
13. The President of the Republic of Cote d'Ivoire
14. The President of the Democratic Republic of Congo
15. The President of the Republic of Djibouti
16. The President of the Arab Republic of Egypt
17. The President of the State of Eritrea
18. The Prime Minister of the Federal Democratic Republic of Ethiopia
19. The President of the Republic of Equatorial Guinea
20. The President of the Gabonese Republic
21. The President of the Republic of The Gambia
22. The President of the Republic of Ghana
23. The President of the Republic of Guinea
24. The President of the Republic of Guinea Bissau

25. The President of the Republic of Kenya
26. The Prime Minister of Lesotho
27. The President of the Republic of Liberia
28. The Leader of the 1st of September Revolution of the Great Socialist People's Libyan Arab Jamahiriya
29. The President of the Republic of Madagascar
30. The President of the Republic of Malawi
31. The President of the Republic of Mali
32. The President of the Islamic Republic of Mauritania
33. The Prime Minister of the Republic of Mauritius
34. The President of the Republic of Mozambique
35. The President of the Republic of Namibia
36. The President of the Republic of Niger
37. The President of the Federal Republic of Nigeria
38. The President of the Republic of Rwanda
39. The President of the Sahrawi Arab Democratic Republic
40. The President of the Republic of Sao Tome and Principe
41. The President of the Republic of Senegal
42. The President of the Republic of Seychelles
43. The President of the Republic of Sierra Leone
44. The President of the Republic of Somalia
45. The President of the Republic of South Africa
46. The President of the Republic of Sudan
47. The King of Swaziland
48. The President of the United Republic of Tanzania
49. The President of the Togolese Republic
50. The President of the Republic of Tunisia
51. The President of the Republic of Uganda
52. The President of the Republic of Zambia
53. The President of the Republic of Zimbabwe

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their

determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our Continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world;

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector in order to strengthen solidarity and cohesion among our peoples;

CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of

the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them to discharge their respective mandates effectively;

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

In this Constitutive Act:

“Act” means the present Constitutive Act;

“AEC” means the African Economic Community;

“Assembly” means the Assembly of Heads of State and Government of the Union;

“Charter” means the Charter of the OAU;

“Committee” means a Specialized Technical Committee of the

Union;

“Council” means the Economic, Social and Cultural Council of the Union;

“Court “ means the Court of Justice of the Union;

“Executive Council” means the Executive Council of Ministers of the Union;

“Member State” means a Member State of the Union;

“OAU” means the Organization of African Unity;

“Parliament” means the Pan-African Parliament of the Union;

“Union” means the African Union established by the present Constitutive Act.

Article 2

Establishment

The African Union is hereby established in accordance with the provisions of this Act.

Article 3

Objectives

The objectives of the Union shall be to:

- (a) Achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) Defend the sovereignty, territorial integrity and independence of its Member States;
- (c) Accelerate the political and socio-economic integration of the continent;
- (d) Promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) Promote peace, security, and stability on the continent;

- (g) Promote democratic principles and institutions, popular participation and good governance;
- (h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) Establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) Promote cooperation in all fields of human activity to raise the living standards of African peoples;
- (l) Coordinate and harmonize policies between existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) Advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4 **Principles**

The Union shall function in accordance with the following principles:

- (a) Sovereign equality and interdependence among Member States of the Union;
- (b) Respect of borders existing on achievement of independence;
- (c) Participation of the African peoples in the activities of the Union;
- (d) Establishment of a common defence policy for the African Continent;
- (e) Peaceful resolution of conflicts among Member States of the

Union through such appropriate means as may be decided upon by the Assembly;

(f) Prohibition of the use of force or threat to use force among Member States of the Union;

(g) Non-interference by any Member State in the internal affairs of another;

(h) The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity;

(i) Peaceful co-existence of Member States and their right to live in peace and security;

(j) The right of Member States to request intervention from the Union in order to restore peace and security;

(k) Promotion of self-reliance within the framework of the Union;

(l) Promotion of gender equality;

(m) Respect for democratic principles, human rights, the rule of law and good governance;

(n) Promotion of social justice to ensure balanced economic development;

(o) Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;

(p) Condemnation and rejection of unconstitutional changes of governments.

Article 5

Organs of the Union

1. The organs of the Union shall be:

(a) The Assembly of the Union;

(b) The Executive Council;

(c) The Pan-African Parliament;

- (d) The Court of Justice;
- (e) The Commission;
- (f) The Permanent Representatives Committee;
- (g) The Specialized Technical Committees;
- (h) The Economic, Social and Cultural Council;
- (i) The Financial Institutions;

2. Other organs that the Assembly may decide to establish.

Article 6

The Assembly

1. The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
2. The Assembly shall be the supreme organ of the Union.
3. The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
4. The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

Article 7

Decisions of the Assembly

1. The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8

Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9

Powers and Functions of the Assembly

1. The functions of the Assembly shall be to:
 - (a) Determine the common policies of the Union;
 - (b) Receive, consider and take decisions on reports and recommendations from the other organs of the Union;
 - (c) Consider requests for Membership of the Union;
 - (d) Establish any organ of the Union;
 - (e) Monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States;
 - (f) Adopt the budget of the Union;
 - (g) Give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
 - (h) Appoint and terminate the appointment of the judges of the Court of Justice;
 - (i) Appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.

2. The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10

The Executive Council

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated

by the Governments of Member States.

2. Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

Article 11

Decisions of the Executive Council

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.

2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

Article 12

Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13

Functions of the Executive Council

1. The Executive Council shall co-ordinate and take decisions on policies in areas of common interest to the Member States, including the following:

- (a) Foreign trade;
- (b) Energy, industry and mineral resources;
- (c) Food, agricultural and animal resources, livestock production and forestry;
- (d) Water resources and irrigation;
- (e) Environmental protection, humanitarian action and disaster response and relief;
- (f) Transport and communications;

- (g) Insurance;
- (h) Education, culture, health and human resources development;
- (i) Science and technology;
- (j) Nationality, residency and immigration matters;
- (k) Social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;

(l) Establishment of a system of African awards, medals and prizes.

2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.

3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

Article 14

The Specialized Technical Committees

Establishment and Composition

1. There is hereby established the following Specialized Technical Committees,

which shall be responsible to the Executive Council:

- (a) The Committee on Rural Economy and Agricultural Matters;
- (b) The Committee on Monetary and Financial Affairs;
- (c) The Committee on Trade, Customs and Immigration Matters;
- (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
- (e) The Committee on Transport, Communications and Tourism;
- (f) The Committee on Health, Labour and Social Affairs; and
- (g) The Committee on Education, Culture and Human Resources.

2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15

Functions of the Specialized Technical Committees

Each Committee shall within its field of competence:

- (a) Prepare projects and programmes of the Union and submit to the Executive Council;
- (b) Ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
- (c) Ensure the coordination and harmonization of projects and programmes of the Union;
- (d) Submit to the Executive Council either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provision of this Act; and
- (e) Carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

Article 16

Meetings

1. Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its rules of procedure and submit them to the Executive Council for approval.

Article 17

The Pan-African Parliament

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African

Parliament shall be established.

2. The composition, powers, functions and organization of the Pan-African Parliament shall be defined in a protocol relating thereto.

Article 18

The Court of Justice

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

Article 19

The Financial Institutions

The Union shall have the following financial institutions, whose rules and regulations shall be defined in protocols relating thereto:

- (a) The African Central Bank;
- (b) The African Monetary Fund;
- (c) The African Investment Bank.

Article 20

The Commission

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3. The structure, functions and regulations of the Commission shall be determined by the Assembly.

Article 21

The Permanent Representatives Committee

1. There shall be established a Permanent Representatives Committee.

It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.

2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

Article 22

The Economic, Social and Cultural Council

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.

2. The functions, powers, composition and organization of the Economic, Social and Cultural Council shall be determined by the Assembly.

Article 23

Imposition of Sanctions

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments therefrom.

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.

Article 24

The Headquarters of the Union

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.
2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

Article 25

Working Languages

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 26

Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Article 27

Signature, Ratification and Accession

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

Article 28

Entry into Force

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

Article 29

Admission to Membership

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

Article 30

Suspension

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

Article 31

Cessation of Membership

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.

2. During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

Article 32

Amendment and Revision

1. Any Member State may submit proposals for the amendment or revision of this Act.

2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.

3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article.

4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two-thirds majority of the Member States.

Article 33

Transitional Arrangements and Final Provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding

the devolution of its assets and liabilities to the Union and all matters relating thereto.

2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.

3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.

4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.

5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

IN WITNESS WHEREOF, WE have adopted this Act.

Done at Lomé, Togo, this 11th day of July, 2000.

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