

**United Nations and African Union Peace Operations:
The Case of the Democratic Republic of Congo**

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A Thesis submitted to the Faculty of Graduate Studies of
The University of Manitoba
in partial fulfilment of the requirements of the degree of

MASTER OF ARTS

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Abstract

The United Nations (UN) and the African Union (AU) have been accused of simply not doing enough in terms of ensuring peace and stability in Africa. This study examines the activities of the UN and the AU in ensuring peace and security in Africa by using the Democratic Republic of the Congo (DRC) as a case study. It explores the roles of the UN and the AU, first by looking at how peace operations evolved in the UN, studying the structure, process, and activities of the UN Security Council in this regard during and after the Cold War to establish whether the UN has paid requisite attention and devoted sufficient resources to Africa. The study then continues with an analysis of the AU to discover how the organisation has treated the issue of peace and security on its own continent. In conclusion, the findings indicate there is a significant gap between organizational rhetoric and operational reality for both the UN and the AU.

Acknowledgments

I would like to express my sincere gratitude to my thesis advisor, Dr. James Fergusson for guiding me through this thesis with prowess. Without his advice, motivation, and support, I would not have completed this study. I am extremely grateful for the invaluable suggestions and comments he provided throughout the course of the study. I would also like to thank Dr. Andrea Charron and Dr. Sean Byrne for providing direction and insightful suggestions.

I wish to thank my Mom and Dad for the sacrifices they have made and for teaching me the importance of hard work, resilience and dedication. I also thank my family and friends for their support and for continuing to push me to finish the study.

Finally, I would like to thank my Strategic Studies' course mates; Amanda, Colin, Chris, and Bill for their friendship at the University of Manitoba and for stimulating my intellect to think outside the box through discussions.

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List of Acronyms

ACIRC	African Capacity for Immediate Response to Crisis
ADB	African Development Bank
ADF	Allied Democratic Forces
AFDL	The Alliance of Democratic Forces for the Liberation of Congo
AMISOM	African Union Mission in Somalia
APF	African Peace Fund
APSA	African Peace and Security Structure
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
CAR	Central African Republic
CEWS	Continental Early Warning System
CODECO	Coopérative pour le developement du Congo
DOS	Department of Operational Support
DPET	Division of Policy, Evaluation and Training
DPO	Department of Peace Operations
DRC	Democratic Republic of Congo
EAPF	European Union's African Peace Facility
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EU	European Union
FARDC	Forces de Resistance Patriotique de l'Ituri
FCV	Fragility, Conflict and Violence
HIPPO	High-Level Independent Panel on Peace Operations
IDPs	Internally Displaced Persons
INTERPOL	International Criminal Police Organisation
IR	International Relations
M23	Mouvement du 23 Mars
MONUC	Organisation Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Stabilisation Mission in the Democratic Republic of Congo
MOU	Memorandum of Understanding
NARC	North African Regional Capability

NGO	Non- Governmental Organisation
OAU	Organisation of African Union
OMA	Office of Military Affairs
ONUC	United Nations Operation in the Congo
OROLSI	Office of Rule of Law and Security Institutions
P-5	Permanent Five
PRIO	Peace and Research Institute Oslo
PSC	Peace and Security Council
PSC	Peace Stability and Cooperation
RCD	Congolese Rally for Democracy
RECs	Regional Economic Communities
RPF	Rwandan Patriotic Party
SADC	South African Development Community
SRSR	Special Representative of the Secretary General
UN	United Nations
UNEF I	First UN Emergency Force
UNHCR	United Nations High Commissioner for Refugees
UNOSOM	United Nations Operation in Somalia
UNSC	United Nations Security Council
URUBATT	Uruguayan Guards

Introduction

In a perfect world, the United Nations (UN) and the African Union (AU) ensure peace and stability. However, this is not the case because the intervention and development goals of these organisations have not been met on the African continent. The aftermaths of colonialism and the Cold War have resulted in instabilities in various parts of the continent. Africa has experienced some of the deadliest conflicts in history and some of the worst cases of humanitarian, health, and human rights violations. The repercussions of instability have mostly been marked by delayed reaction from or deafening silence from the UN and AU which have caused many of these conflicts to evolve in unimaginable ways.

The ethnic strife, internal struggles for political power and resources in states like the Democratic Republic of the Congo (DRC) since the 1960s highlights decades of missed opportunities for the UN and the AU to ensure peace and stability on the continent. Fast forward to today, areas like South Sudan, Mali, Cameroon, and northeastern Nigeria are experiencing cases where the UN and the AU fail to protect civilians and provide adequate technical and human resources to solve the problem. The indecision and reluctance of the UN Security Council (UNSC) and the AU's Peace and Security Council to address the gaps in resources and the shortages in personnel have only made the situation worse. The UN tends to depend on the AU to take the lead but then the AU depends to depend on sub-regional organisations (like the Economic Community of West African States (ECOWAS) to do the heavy lifting. The downloading of responsibility means that the UN and AU have failed to maintain peace and stability in Africa.

Theoretically, both organisations have strategies and structures to achieve peace and stability on the continent. According to these organisations, great successes have been made in accordance with their objectives in Africa. This assertion although true to an extent, is far from reality. The UNSC and the AU's Peace and Security Council (PSC) have frameworks which maps out plans on how to tackle conflicts in Africa. Both the UNSC and the AU's PSC use peace building¹ and peace keeping² techniques to ensure peace, security, and stability on the continent as well as sanctions, mediation, negotiations, and a host of other tools. **This thesis,**

¹ Peacebuilding is defined as actions to solidify peace and avoid relapse into conflicts. It can also be defined as the activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.

² Peacekeeping is a unique and dynamic instrument developed by the UN to help countries torn by conflict create the conditions for lasting peace.

however, focuses only on peacekeeping. The AU's African Peace and Security Architecture (APSA) has a detailed strategy which focuses on working in a synchronised manner with organs within the AU to achieve its goals. Despite these strategies, both organisations have been unable to make any real progress in many conflicted areas in Africa.³ Africa has been a big part of the UNSC's agenda, but the methods adopted by the UN to ensure peace and security have been relatively ineffectual. The enthusiasm of governments to be at war and the activities of rebel groups certainly plays a role in the UN's efficiency to maintain peace and stability on the continent. Although the UNSC pays some level of attention to Africa, its focus on Africa depends on the interests or the attention of the P-5 in the continent. The AU on the other hand, has been unable to achieve its goals on the continent mainly because of resource and financial constraints and a lack of political will to stand up to the "strong men" of Africa.

A report provided by the UN High-Level Independent Panel on Peace Operations (HIPPO) highlights some of the challenges faced by the UN when working with other organisations. These challenges affect the UN's output in achieving peace, security, and stability in Africa. In working in partnerships for instance, the report faults the UN on neglecting to create environments where information is shared.⁴ This makes it difficult for both organisations to connect in the partnership because there are no tools for consultative mechanisms and collaborative planning across the conflict cycle. This causes a gap in operations and implementation because each organisation in the field is executing its own strategies without real-time input or knowledge of the other. The UN and the AU however meet quite regularly but because African states contribute most of the peacekeepers, it is quite difficult for these organisations to regulate the actions of peacekeepers who often have less than genuine intentions with respect to conflicts. The UN is also accused of failing to carefully analyse, strategize, provide, and implement realistic mandates in cases where it needs to work alone when responding to conflicts.⁵ The report concludes that the global-regional framework of the UN is not strong enough to allow it to mobilise its comparative advantages to emerging crisis while sustaining support to long running ones. The UN therefore finds it difficult to embrace its role as a partner and facilitator when responding to conflicts in Africa. This to a

³ Cogan Mark S. 2020. "The UN at 75 years; Africa and the strained relationship". *The Africa report*. Accessed 28 July 2021. <https://www.theafricareport.com/41591/the-un-at-75-years-africa-and-the-strained-relationship/>

⁴ Report presented to the Secretary-General on June 16, 2015, by the High-Level Independent Panel on Peace Operations. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

⁵ Report presented to the Secretary-General on June 16, 2015, by the High-Level Independent Panel on Peace Operations. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

large extent places limitations on the ability of the UN to ensure successful peace and security activities in Africa.

The AU on the other hand faces several challenges which also affects its productivity on the ground when dealing with crisis in Africa. Scholars like Tiekou assess the objectives of the AU's PSC to ensure conflict prevention and resolution.⁶ He argues that the AU's APSA houses many operational and implementational challenges which makes it difficult for the AU to achieve its aims. The APSA works together with various organs such as the Panel of the Wise, Continental Early Warning System (CEWS), African Standby Force (AFS) and the African Peace Fund (APF). These organs in theory are designed to provide advice, warning, force, and resources to the APSA to function effectively. This is not the case in practice. In practice, these organs are plagued with financial and operational constraints such that they are unable to perform their roles effectively.

Research Question and Significance of the Study

Why are conflicts still growing in Africa and what are the challenges faced by the UN and AU to deal with conflict in Africa? This is an important study because conflict and conditions for conflict in African continue to grow. As the main regional organisation for Africa and the only universal organisation dedicated to peace and stability, it is vital the AU and UN seek to improve their record. The thesis therefore focuses on the UN and the AU as organisations responsible for ensuring peace and security in Africa and explains their role in this context. The UN and AU mainly uses peacekeeping, mediation, negotiations, sanctions, and a host of other tools to ensure peace and stability in Africa. This study will mainly focus on peacekeeping. To understand properly the responsibility of these organisations in ensuring peace and security in Africa, the role of the UN and AU as the right (legitimate) organisations to deal with conflicts in Africa can be examined. The theory of legitimacy embraces a "tool that manages the stakeholders perceptions of the needs for attaining the organisational legitimacy". Thus, according to Suchman, "Legitimacy is a generalised perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions"⁷ This theory therefore explains the behavior of organisations in implementing and developing what they perceive as

⁶ Tiekou, Thomas Kwasi.2013. "The African Union." *In Responding to Conflict in Africa*. edited by Jane Boulden, 33-50. New York: Palgrave Macmillan

⁷ Suchman, M. 1995. Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review*, 20(3), 571-610.

legitimate through the disclosure of information in accordance with a social contract through operations that connects security through interdependence, power and norms and values that have been socially constructed. To this extent, the organisations themselves are perceived as legitimate actors and their activities such as peacekeeping are regarded legitimate by the society. This shapes the UN and AU's role in ensuring that the African continent is stable.

The internal structures, roles, functions and processes of the UN and the AU and the mandates they in turn issue to their peacekeepers during an operation highlights the intent of the organisations as opposed to reality when these operations take place. Although both the UN and AU seem committed to stabilising the African continent, the level of commitment measured by resources and the number of personnel is poor. In the case of the UN, although Africa is one of the continents it funds heavily, the efforts of the UN have been ineffective.

This study utilises a secondary data analysis, mainly via a case study of the DRC. Operations in the DRC is the best-case study for this research because the UN, OAU and AU have had decades long attention to conflict in the DRC. Due to the consistency of violence in the DRC and its region, both the UN and the AU have worked as individual organisations and worked together as partners towards the attainment of peace and stability in the country. Compared to other African states, the DRC is a better study in deducing the disconnection identified in the UN and AU, when engaging in activities to ensure peace and stability because there are lots of examples and opportunities for comparison given the decades of involvement.

The location of the DRC also influences its selection as the case study. It is located at the center of most conflicted areas in Africa, and surrounded by neighbours Rwanda, Uganda, Burundi, Angola, and South Sudan. Most of these surrounding countries are conflicted and politically unstable. As a result of this, conflicts in these areas tend to spill over into the DRC (and vice versa), making it the hotspot for conflicts in Africa. Given the scope of MA research and the importance of the DRC to the UN and AU – representing the largest and most expensive missions to date for both – one case study will suffice to draw some preliminary conclusions.

This study also highlights the evolution of the UN and AU and their bid to work towards achieving peace and stability on the African continent and forms a part of the skeletal framework that upholds the analysis of their actions in the DRC. The other part of the study is an examination of the processes, structures, objectives, roles, and responsibilities of the organisations. To avoid bias, the study acknowledges the activities of other regional organisations and highlights some of the successes the UN and AU have achieved while ensuring peace and stability in Africa. It also critically examines and compares data to support the conclusion.

Overview of the Chapters

This thesis is divided into five chapters. After this introduction, Chapter One provides an overview of the UN in terms of its structure, objectives, processes for peace operations, and the role it played through peace operations in Africa during and after the Cold War. This ascertains the relevance of the UN in ensuring peace and stability in Africa by bringing to light what is actually happening during peacekeeping missions. Chapter Two examines the AU's objectives, roles, and responsibilities in ensuring peace and stability in Africa. It also assesses whether or not there are gaps between the policies formulated for peace operations and the actual application of these policies in missions.

Chapter Three presents the DRC as a case study by mainly examining the peacekeeping missions from the 1960s. The case study examines the roles played by the UN and the AU first as individual organisations and second as organisations working together to ensure peace and stability in Africa. It emphasises how different UN-AU rhetoric are with regards to peace and stability in Africa as opposed to practice. Chapter Four concludes this study by presenting its findings, suggesting areas where further research is needed, and offering recommendations on how the UN and AU could reform their policies and practices to pay a much-needed attention to Africa. Finally, the Conclusion outlines some of the policy implications which include the need for the UN to respond on time to conflict situations to avoid missing the changing dynamics of conflicts in Africa, and the need for the AU to set realistic goals including the maximum output of its APSA. Both organisations must continue to strive to work better with regional organisations, and not shift all of the responsibilities of peace operations to regional organisations. In partnerships with each other, the UN and the AU must ensure that they are working seamlessly together while adhering to the strategies of the cooperation. This will ensure that both the UN and the AU replicate what they have in theory for peace operations on the field.

Chapter I: The Evolution of UN Peace Operations

Considering the United Nations (UN) has 70+ years dealing with conflict in the world, one might assume all the challenges of peace operations had been sorted. However, no conflicts are alike and new actors and new challenges have meant that the UN is often steps behind in understanding the conflict and choosing appropriate remedies. Despite overwhelming attention by the UN and AU to Africa measured by the number of personnel deployed, expenses or even number of sanctions applied, even in countries like Zimbabwe, where the UN boasts of attaining peace,⁸ its success has been attained at the expense of other important factors in the country which are evident in its low per capita income rates and existence of a corrupt government.⁹

The idea of “lasting peace” desired by the UN remains a goal.¹⁰ There have been some successes, for example, in Sierra Leone and Liberia, but they are not the robust, prosperous states of the West. Often regions relapse into conflicts and as a result, peace exists only for a few years.¹¹ In defense of the UN, states which retrogress after experiencing some form of stability, “have a better chance of achieving self-sustaining peace, due to the help they received during the critical first years of their transition from war.”¹² Therefore, it would seem some help by the UN, even if insufficient, is better than none.

Even so, certain areas in Africa such as Côte d’Ivoire¹³ and the DRC (formerly Zaire)¹⁴ have never truly attained peace,¹⁵ even after years of intervention.¹⁶ This raises questions about how the UN defines ‘peace’, and the indicators used to measure peace in previously conflicted areas. Of course, even though every conflict situation in Africa varies, and the UN seeks to

⁸ Boulden, Jane. 2013. *Responding to Conflicts in Africa: The UN and Regional Organisations*. New York: Palgrave MacMillan.

⁹ Ibid

¹⁰ See Post- Conflict Transitions Working Paper No. 11: Sambanis, Nicholas. 2007. “Short-Term and Long-Term Effects of United Nations Peace Operations.” New Haven. pp. 1-31.

<https://openknowledge.worldbank.org/bitstream/handle/10986/7017/wps4207.pdf?sequence=1&isAllowed=y>

¹¹ Ibid

¹² Ibid

¹³ Hara, Fabienne, and Gilles Yabi. 2013. “Côte d’Ivoire, 2002-2011”. In *Responding to Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 145-175. New York: Palgrave Macmillan.

¹⁴ Carayannis, Tatiana. 2013. “The Democratic Republic of the Congo, 1996-2012” In *Responding to Conflict in Africa*, edited by Jane Boulden, 117-202. New York: Palgrave Macmillan.

¹⁵ The UN has several definitions for peace operations depending on the report under review. For e.g., the definitions for peace operations in the Brahimi Report and an Agenda for Peace. All these definitions maintain the spirit of what peace operations means to the UN. Thus, the UN seeks the maintenance of international peace and security by working to prevent conflict; helping parties in conflict make peace; peace operations; and creating the conditions to allow peace to hold and flourish.

¹⁶ See Post- Conflict Transitions Working Paper No. 11: Sambanis, Nicholas. 2007. “Short-Term and Long-Term Effects of United Nations Peace Operations.” New Haven. pp. 1-31.

<https://openknowledge.worldbank.org/bitstream/handle/10986/7017/wps4207.pdf?sequence=1&isAllowed=y>

adopt conflict-specific mandates in its attempt to resolve them, it is important to identify and examine the UN's theoretical peace-resolution models before an operation begins, and what actually happens on the ground when the operation is underway to understand the UN's claim to be a legitimate and successful actor in resolving conflicts in Africa.¹⁷

In this regard, the first part of this chapter briefly explains how peace operations have evolved in the UN during and after the Cold War. This is determined by examining the UN's claims as the sole, legitimate actor in resolving conflicts in the world. A brief overview of its principles specifically adopted by the Security Council and the resulting functions and mandates in resolving conflicts in Africa will also be outlined by examining indicators established by the UN in identifying and measuring successful operations.

The UN, although determined to save succeeding generations from the scourge of war, is very cautious when it comes to resolving conflicts in Africa. Disastrous missions in Somalia and Rwanda have made the UN generally tentative to be involved in operations in Africa. Thus, the second section looks at the structure and processes of UN peace operations to investigate the reasons at the organisational level causing the UN to take a step back in fully engaging when resolving conflicts in Africa as likened to other parts of the world – like Eastern Europe or the Middle East. The third section examines the problems of peace operations specifically, cooperation with other organisations, the missing links between policies formulated for peace operations in theory and what has been implemented in practice.

The Charter confers on the UNSC primary responsibility for peace and security.¹⁸ Some of its fundamental objectives includes “maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace...”¹⁹ As the UNSC has primary responsibility for decisions regarding action or inaction with respect to breaches of the peace or acts of aggression, it takes the lead to determine the existence of a threat to peace and security. It can call upon parties to a dispute to “settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council resorts to imposing sanctions or even authorises the use of”

¹⁷ Hurd, Ian. “Legitimacy, Power, and the Symbolic Life of the UN Security Council” *Global Governance*, 2002. pp. 35-51

¹⁸ United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, 1945, Chapter V, Article 26: The Security Council, available at: <https://treaties.un.org/doc/publication/ctc/unCharter.pdf>

¹⁹ United Nations, *Charter of the United Nations Statute of the International Court of Justice*, 1945, Chapter I, Article 1: The Purposes and Principles, available at: <https://treaties.un.org/doc/publication/ctc/unCharter.pdf>

force to preserve or rebuild international peace and security as per Chapter VII of the Charter.²⁰ Over the decades, the UNSC via its decisions has helped to end numerous conflicts and fostered reconciliation in states like Liberia, Mozambique, Namibia, and Sierra Leone.²¹ It has involved sustained attention, many tools (missions and sanctions) and the involvement of many NGOs and other organisations, including African regional actors.

Since its origin relative to existing and new civil conflicts,²² complex issues regarding the adequacy of the UN in responding to these conflicts have been raised, including the question of how civilians can be protected in these conflicts.²³ These developments overtime have inspired the UN to attempt strengthening and reshaping its strategies in approaching conflicts especially in terms of peace operations. In an effort to meet these challenges, the UN has increasingly involved regional organisations, enhanced its post-conflict peacebuilding capability, and emphasised the use of preventive diplomacy.²⁴ Through the authorisation of a complex and innovative peace operations and political missions, the Security Council has been able to address civil conflicts, which are often represented by ethnic violence and a lack of internal security.²⁵

There have been conflicts which have led the Security Council to establish new missions since the end of the Cold War. Recurring conflicts since the end of the Cold War in places such as Central African Republic (CAR), the DRC, Kosovo, Sierra Leone and East-Timor has led the Security Council to establish new missions, and caused the UN to focus progressively on peacebuilding, with efforts aimed at monitoring and reducing a country's risk of getting back into conflict. This has been done by "strengthening national capacities for conflict management, and by laying the foundations for sustainable peace and development."²⁶ In support of its role in addressing conflicts, Kofi Annan, then Secretary- General of the UN, argues that:

²⁰ United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, 1945, Chapter VII, The Security Council, available at: <https://treaties.un.org/doc/publication/ctc/unCharter>.

²¹ United Nations. 2017. *Basic Facts about the United Nations 2014*. New York: United Nations Department of Public Information 42nd Edition. Accessed 15 September 2019.

²² Civil conflicts are defined as large armed conflicts between the government of a sovereign state and domestic challengers able to cause significant destruction in reciprocal violence.

²³ United Nations. 2017. *Basic Facts about the United Nations 2014*. New York: United Nations Department of Public Information 42nd Edition. Accessed 18 September 2019.

²⁴ Boutros-Ghali, Boutros. "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping." *International Relations* 11, no. 3 (December 1992): 201 – 18; United Nations. General Assembly and Security Council. 2000. *Report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809)*

²⁵ Ibid

²⁶ See Post- Conflict Transitions Working Paper No. 11: Sambanis, Nicholas. 2007. "Short-Term and Long-Term Effects of United Nations Peace Operations." New Haven. pp. 1-31.
<https://openknowledge.worldbank.org/bitstream/handle/10986/7017/wps4207.pdf?sequence=1&isAllowed=y>

Sustainable peace was proposed as the ultimate purpose of all peace operations and sustainability is the capacity for a sovereign state to resolve the natural conflicts to which all societies are prone by means other than war. Lasting peace depends on pulling together all resources to help countries foster economic development, social justice, respect for human rights and good governance. No other institution has the global legitimacy, multilateral experience, competence, coordinating ability and impartiality that the United Nations brings in support of these tasks.²⁷

One vital strategy employed by the UN to advance peace and security is under the umbrella concept peace operations.²⁸ Most peace operations are deployed after the Security Council has authorised the operation and the host government as well as the main parties to the conflict, has consented to the operation. Increasingly, the UNSC turns to regional organisations (like NATO or African regional organisations) to lead the mission. There are several “generations” of peace operations that range from classic peacekeeping which involved observing ceasefires and the separation of forces after a war to now robust, multipronged peace enforcement actions that involve the application of force without the consent of actors involved in the conflict and/or multidimensional efforts to end fighting and engage in state building. These more complex models of peace operations have evolved which embraces “many elements - military, police and civilians working together to help lay the foundations of sustainable peace.”²⁹ An example in the evolution of peace operation is the availability of the use of force in some peace operation mandates in present times as compared to the past.

Traditionally, UN peacekeepers could only use weapons in self-defence as they had only “Chapter 6.5 authority” from the UNSC – i.e., measures within the UN Charter Chapter dealing with pacific means of dispute settlement. A more complex mandate under Chapter VII of the UN Charter enables them to use force, for example, to protect civilians.³⁰ Thus, although a principle of the UN focuses on settling international disputes through peaceful means and not

²⁷ Ibid

²⁸ The umbrella concept of peace operations includes conflict prevention, peacemaking, peace enforcement and peacebuilding. According to the UN, Conflict prevention involves applying diplomatic measures to keep inter-state tensions and disputes from escalating into violent conflict. Peacemaking includes measures to address conflicts in progress which involves diplomatic action to bring hostile parties to a negotiated agreement. Peacekeeping is a unique and dynamic instrument developed by the UN as a way to help countries torn by conflict create the conditions for lasting peace. Peace enforcement involves the application of a range of coercive measures, including the use of military force.

²⁹ See Post- Conflict Transitions Working Paper No. 11: Sambanis, Nicholas. 2007. “Short-Term and Long-Term Effects of United Nations Peace Operations.” New Haven. pp. 1-31.

³⁰ Ibid

by the use of force or threat against any other state, developments in recent years have required the UN and UNSC to adapt. This opens a Pandora's box of issues and questions about UN missions adapted to use force to resolve conflicts, maintain peace and protect civilians. The UN has no military force of its own. As such, for peace operations, military personnel are provided voluntarily and financed by member states (if above a certain GDP threshold) or by the UN.³¹ A military mission commander is chosen from troop contributing countries. Only the UNSC can interpret its own resolutions, but the mission commander is aided by the UN Department of Peacekeeping Operations and/or regional organisation command team with respect to the tactics to achieve the UNSC's intent. A force commander is responsible for the operation's military effects even though discipline of troops is through national chains of command. These operations include troops from many countries, financed through the peace operations budget and also donations in-kind of equipment and/or personnel from especially wealthier nations.³² According to the UN, there are currently twelve peace operations as of June 2021. Out of this number, seven operations have been dedicated to ensuring peace and stability in Africa.³³ However, a total number of 25 ongoing missions which includes peacebuilding missions by the UN – civilian personnel and often police sent to help with capacity reconstruction, suggests the importance of Africa to the UN. Out of the 25 ongoing missions 11 are present in Africa. Thus, by measure of the percentage of missions, Africa matters to the UNSC.

The UN Security Council is arguably the sole legitimate actor in establishing, sustaining, and ensuring peace in conflicted areas by international law as a function of the authority vested in the UN Charter and by years of customary practice. Further evidence is found in the regional and private organisations outside of the UN seeking the approval of the Security Council, again by law found in the Charter, before engaging in any form of conflict resolution actions, especially one involving military intervention. It is therefore important to examine briefly why the UN Security Council is considered a legitimate and primary actor in resolving conflicts.

³¹ This is however not always the case because the UN gets some resources from voluntary contributions by member states and private donors. United Nations. 2017. *Basic Facts about the United Nations 2014*. New York: United Nations Department of Public Information 42nd Edition. Accessed 18 September 2019.

³² According to Article 17 of the Charter of the UN each Member State is legally obligated to pay their respective share towards peacekeeping. This is determined by a special scale of assessments under a formula established by Member States. The United States (27.89 percent) and China (15.21 percent) are the top two contributors to UN operations for 2020-2021.

³³ United Nation. *Current UN Operations*. Accessed January 13, 2021. <https://peacekeeping.un.org/en/where-we->

The foundations of the Security Council's claim to legitimacy are based on the idea of "collective security", which emphasises that "all nations have an equal interest in opposing specific acts of aggression and are willing to incur identical risks in opposing them."³⁴ This assessment makes the doctrine heavily dependent on the voluntary cooperation of states. Institutions that are perceived to be "legitimate by an individual state are treated with additional respect. They are endowed with a corporate existence beyond the units that makes it up."³⁵ This makes it easier for states to comply with its rules, which in effect makes it easier because they experience a sense of security in regarding the institution as legitimate rather than illegitimate.³⁶

The theory of legitimacy corresponds with that of collective security such that it centralises the power of decision-making in one organisation which is collectively recognised by all. These legitimate institutions are usually backed by symbols or objects that possesses mobilising power,³⁷ and procedures which are also instilled "with power because they are associated in the minds" of people "with the authority they perceive in an institution."³⁸ Hurd in support of this insight argues:

Taking seriously the symbolic power of the Council helps us to see reasons behind certain otherwise inexplicable phenomena in international relations (IR) and allows us to ask questions regarding the legitimacy of the Council that were previously hidden from view.³⁹

The Security Council's claim to legitimacy is based mainly on its symbolic power which is clearly evident in the role it performs when preparing its agenda, accepting or reviewing memberships and engaging in peace operations.⁴⁰ The existence of Article 35 (1),

³⁴ Eban, Abba. "The U.N Idea Revisited" *Council on Foreign Relations*, Vol. 74, No.5, 1995. pp. 39-55, www.jstor.org/stable/20047299

³⁵ For more on how symbols and procedures are currencies of power shape the legitimacy of an institution see, Hurd, Ian. "Legitimacy, Power, and the Symbolic Life of the UN Security Council" *Global Governance*, 2002. pp. 35-51

³⁶ Eban, Abba. "The U.N Idea Revisited" *Council on Foreign Relations*, Vol. 74, No.5, 1995. pp. 39-55, www.jstor.org/stable/20047299

³⁷ The ability of an institution to have people and resources ready to act. In this case, the ability of the UN to provide resources for peace operations.

³⁸ For more on how symbols and procedures are currencies of power shape the legitimacy of an institution see, Hurd, Ian. "Legitimacy, Power, and the Symbolic Life of the UN Security Council" *Global Governance*, 2002. pp. 35-51

³⁹ Ibid

⁴⁰ Ibid

and (2), and Article 99⁴¹ in the UN Charter⁴² not only symbolises how important the UN Agenda is in informing its claims to legitimacy but also showcases how states have accepted the UNSC has a legitimate actor by bringing to its attention potential breaches of peace.

The agenda of the Council consists of two parts: a provisional agenda containing current issues that are prepared by the Secretary-General for each council meeting, and a summary statement agenda,⁴³ which concerns issues previously on the Council's agenda which have not been conclusively decided on by the Council. This agenda also often contains issues that were once discussed but might return to by the Security Council. Because of the elements of symbolism and recognition, states do all they can to keep an issue of interest alive on the Agenda. Conflicts in the DRC is an example of an on-going issue being discussed by the Security Council. Every DRC resolution ends with "remains seized of the matter" which keeps the issue in the UNSC inbox.

The desire of member states to attain non-permanent seats alongside the Permanent Five (P-5) of the Security Council has also reinforced the legitimacy of the powers of the Security Council. This is because the elected seat (as many non - permanent members prefer) allows states to experience a decision-making role for a period of two-years. This element has been perceived to be extremely valuable to states for two main reasons; one, the small number of non-permanent seats compared to the large number of member states makes the fight for non-permanent seats and the ability of states to obtain these seats an enduring and fulfilling achievement. Second, the perception of a heavily monopolised⁴⁴ decision-making power of the council by the P-5 serves as an incentive for states to get on the Security Council to affect decisions made by permanent members on the Council. Only 9 affirmative votes are needed to pass a resolution which means that the 10 elected members have the potential to sway a decision not subject to a P5 veto. The legitimate status and power associated with the Council indirectly confers power, prestige, and recognition just by being a non-permanent member state. The other form of power is that non - permanent members are always the chairs of the UNSC committees, not the P5 Committees, such as the sanctions committees, are where many

⁴¹ United Nations. 1945. *Charter of the United Nations and Statute of the International Court of Justice*. San Francisco. Available at: <https://treaties.un.org/doc/publication/ctc/unCharter>.

⁴² Ibid

⁴³ This is also called the Agenda. Hurd, Ian. "Legitimacy, Power, and the Symbolic Life of the UN Security Council" *Global Governance*, 2002. pp. 35-51

⁴⁴ Hurd, Ian. "Legitimacy, Power, and the Symbolic Life of the UN Security Council" *Global Governance*, 2002. pp. 35-51

decisions are made, and the power of veto does not apply. This acquired power by association is often useful to states in their domestic and international political interests. Being a non-permanent member is not just for the power it brings, but in Hurd's words, "for the apparent proximity it brings to those with real power, the permanent five."⁴⁵

Peace operation plays an ambiguous but important role in demonstrating the Security Council's claim to legitimacy. Organisations outside the UN like the European Union need to be authorised by the UNSC before embarking on peace operations. Thus, Member States who tried initiating peace operations without the backing of the UN failed terribly as they were considered imperialist and as such lost credibility in the international community. Due to this reason, unilateral French operations in Lebanon and Côte d'Ivoire have been criticised⁴⁶ and regarded by the international and local communities as an ex-colonial power manipulating and infiltrating ex-colonies and their governments through peace operations. This emphasises the rate at which countries lacked the recognition as legitimate actors for peace operations. As states needed to show that the primary goal for engaging in peace operations was conflict resolution, the need to associate itself with the Security Council for legitimacy grew, which in turn fortified the Security Council's claim to legitimacy.⁴⁷

These symbolising procedures solidify the Security Council's claim to legitimacy but are also problematic. The mere existence of the P-5 with their veto powers raises questions about the Council's effectiveness and actions. If veto powers were removed from the Council, would it still have the recognition and legitimacy it seems to have now? The availability of veto powers to the P5 enables them to veto peace operation decisions by the UNSC. Regardless of arguments of the UNSC being political, it is difficult to ignore the fact that their veto powers strongly suggest that the Council is run by individual states thus creating an avenue for biases in its proceedings.

The Security Council can be regarded as legitimate mainly because of a social construct which has been prepared overtime through interactions with society. To this effect, a change in the social construct will affect the power of the UNSC to authorise peace operations and its claim to being a legitimate actor in ensuring peace and stability. The UNSC often requests

⁴⁵ Hurd, Ian. "Legitimacy, Power, and the Symbolic Life of the UN Security Council" *Global Governance*, 2002. pp. 35-51

⁴⁶ Ibid

⁴⁷ Ibid

reports from UN officials on how to improve peacekeeping. The Secretary General of the UN (Ban Ki-Moon) with the support of the UNSC authorised the High-Level Independent Panel on Peace Operations (HIPPO) to report on how peacekeeping could be improved. According to the report from HIPPO, the legitimacy and relevance of the UN will greatly “depend on its ability to leverage its strengths, address its weaknesses, and empower others to realise their own potential to maintaining and achieving peace and security.”⁴⁸ The findings of some of these reports show that the UNSC has a lot to improve on with regards to peace operations.

Cold War and Post-Cold War Peace Support Operations

Peace operations are one of the most effective tools adopted by the UN to promote and maintain international peace and security. Even though there is no agreed definition for peace operations,⁴⁹ nor is there any mention of peacekeeping in the Charter, it is consistent with the spirit of the Charter. The lack of a centrally agreed definition mainly reflects the broad spectrum of operations and creativity of the UNSC to create such a concept. Every peace operation embraces an element of uniqueness. The changing dynamics embedded in peace operations have caused the Security Council to adopt different mandates by altering them through the adoption of resolutions as the operation goes on. According to the UN, peace operations usually embrace

A broad suite of tools managed by the UN secretariat. These instruments range from special envoys and mediators, political missions, regional preventive diplomacy offices, observation missions, to small, technical specialist missions, multidisciplinary operations both large and small drawing on civilians, military, and police personnel to support peace implementation, as well as advance missions for planning.⁵⁰

Former Secretary-General Boutros-Ghali (who spent 4 years in office) justified classic peace operation “as the deployment of a UN presence in the field, with the consent of all the parties concerned, normally involving UN military and/or police personnel as well as

⁴⁸ Report presented to the Secretary-General on June 16, 2015, by the High-Level Independent Panel on Peace Operations. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

⁴⁹ For further details on this, see Jett, Dennis. 1999. *Why Peacekeeping Fails*. New York. St. Martin's Press.

⁵⁰ See Report of the High-Level Independent Panel on United Nations Peace Operations, 2015. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

civilians.”⁵¹ A peace operation is not simply the mere presence of the UN on the field. It also embodies the necessary steps needed to be taken by the UN to ensure peace and stability in Africa. As such the term peace operations includes “preventive diplomacy, peacemaking, and peacebuilding. Preventive diplomacy refers to an action to prevent disputes from arising between parties, to prevent existing disputes from escalating to conflicts, and to limit the spread of the latter when they occur. Peacemaking focuses on actions to bring hostile parties to an agreement, through peaceful means as those foreseen in Chapter VI of the UN Charter.” Finally, peacebuilding includes actions to “identify and support structures which will strengthen and solidify peace in order to avoid a relapse into conflict.”⁵² Peace operations have been defined this way because it embodies a broader spectrum of what is entailed in the acquisition of peace in conflicted areas.

During the Cold War, UN peacekeeping mainly maintained ceasefires and stabilised situations on the ground between warring states, not nonstate actors.⁵³ These missions consisted of military observers and troops who were lightly armed with a mandate to observe. Often, they were referred to as military observers - “milobs”. These missions were mainly limited to monitoring, reporting and confidence building roles. In 1949 the first two groups of military observers – UN Truce Supervision Organisation (UNTOS) and UN Military observer Group in India and Pakistan (UNMOGIP) were deployed by the UN. Both missions exemplify the ‘observation and monitoring type of operation’ and had authorised strength in the ‘low hundreds’. The UN military observers were unarmed. In 1956, the First UN Emergency Force (UNEF I) was deployed to address the Suez Canal Crisis. This was the first time an armed peacekeeping operation deployed successfully.⁵⁴ The UN considers its operation in the Congo (ONUC) between 1960 and 1964, the first large-scale enforcement mission during the Cold War, with nearly 20,000 military personnel.⁵⁵ This mission informed the UN of the need to adopt multi-dimensional strategies for its operations because ONUC exposed the risks involved in bringing stability in war-torn regions.⁵⁶ The risks included the loss of 250 UN personnel,

⁵¹ Boutros-Ghali, Boutros. “An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping.” *International Relations* 11, no. 3 (December 1992): 201 – 18; United Nations. General Assembly and Security Council. 2000. *Report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809)*

⁵² Ibid

⁵³ United Nations. *Our History*. Accessed June 24, 2021. <https://peacekeeping.un.org/en/our-history>

⁵⁴ United Nations. *Our History*. Accessed June 24, 2021. <https://peacekeeping.un.org/en/our-history>

⁵⁵ Ibid

⁵⁶ Ibid

Irish peacemakers in Jadotville, and Secretary-General Dag Hammarskjold who died on the mission.⁵⁷

Despite the risks experienced in ONUC, the UN continued to engage in missions by making them short or long term. Between 1960 and 1970, it had established short term missions in the Dominican Republic and Guinea. Long-term missions were also established in Cyprus and the Middle East.⁵⁸ The setbacks experienced in UN missions in places like the Congo during the Cold War led the UN to consider multi-faceted peace operation missions consisting of various tasks from building “sustainable institutions of governance, to human rights monitoring, security sector reform and the disarmament, demobilisation and reintegration of former combatants.”⁵⁹ The conflict in the Republic of the Congo was the most complicated to date because the removal of Belgian authority almost overnight coupled with an internal war of secession (Kantanga province wished to become independent of the Congo) in a Cold War environment in which the Soviet Union and US backed opposing sides was particularly complicated.

The strategic context on engagement for UN Peace Support Operations changed dramatically after the Cold War. There was a shift from its more traditional Chapter 6.5 (pacific settlement of disputes) type missions to multidimensional missions with express authorisation to use force to protect civilians.⁶⁰ During the Cold War, UN peace operations generally involved observational tasks performed by military personnel. After the Cold War, these changed to complex multidimensional missions purposely for “the implementation of comprehensive peace agreements and assistance in laying the foundations for sustainable peace often after a devastating ethnic conflict.”⁶¹

During the Cold War, the UNSC dealt with the fallout when colonies became independent and the Great powers often back opposite sides. Given that much of Africa was colonised, the UNSC was heavily involved but often on the margins. After colonisation ended, many countries gained independence and the fight for power by political elites within these new nations resulted in a surge in civil wars. These political changes brought about a major change in the world’s view of traditional conflicts. As such, the era of wars between two nations

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid

⁶⁰ Ibid

⁶¹ United Nations. *Our History*. Accessed June 24, 2021. <https://peacekeeping.un.org/en/our-history>

with organised armies, facing each other across defined geographic lines largely ended and paved the way for internal conflicts involving irregular forces, with light weapons and the use of guerrilla tactics.⁶² These conflicts were harder to resolve because “political power and legitimacy within a country are harder to determine than a geographical settlement between two countries.”⁶³

After the Cold War and the collapse of the Soviet Union intra-state conflicts, especially in Africa increased the need for peace operations but this time with an express mandate to use force.⁶⁴ Before the end of the Cold War, great power politics prevented the UN from acting freely in conflicted areas. With the end of the Cold War and the collapse of the Soviet Union, the structural impediment to greater UN action was temporarily eliminated. The UN gained the ability it needed to be able to respond to conflict concerns. The problem was, they became too involved in too many places, badly overstressing capabilities. After the end of the Cold War, there was a high number of peacekeeping operations. The Security Council with renewed efforts, authorised 20 new operations between 1989 and 1994, increasing the number of peacekeepers from 11,000 to 75,000.⁶⁵ Peace operations also gained popularity out of a humanitarian concern. Due to a rise in the number of civilian casualties from seventy-three percent in the mid-nineties to ninety percent in the late nineties,⁶⁶ policy makers depended on peace operations to control the growing number of civilian casualties in conflicts.

Thus, post-Cold War, the UN entered a reassessment phase to strategize in order to prevent the disasters of the mid-1990s – especially the genocide in Rwanda in which the UNSC was caught flat footed. The UN missions established in Rwanda and Somalia in the mid-1990s were considered failures because the Security Council was unable to authorise sufficient mandates or provide adequate resources to contain the situations on the ground. Independent inquiries were commissioned by the UNSC to investigate the actions of the UN in cases like the 1994 Rwandan genocide, and the war in Bosnia and Herzegovina. The Independent Commission on Intervention and State Sovereignty recommended a new “Responsibility to Protect”. Today, the focus is on political processes, protecting civilians – especially through

⁶² Ibid

⁶³ See Report of the High-Level Independent Panel on United Nations Peace Operations, 2015. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

⁶⁴ Jett, Dennis. 1999. *Why Peacekeeping Fails*. New York. St. Martin's Press.

⁶⁵ United Nations. *Our History*. Accessed June 24, 2021. <https://peacekeeping.un.org/en/our-history>

⁶⁶ See Report of the High-Level Independent Panel on United Nations Peace Operations, 2015. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

the adoption of thematic resolutions that require civilians (and especially women and girls) to be protected, ‘support the organisation of elections, protect, and promote human rights’ as well as aid in the disarmament, demobilisation, and reintegration of former combatants.⁶⁷

The Structure and Process of UN Peace Operations

Before the UN Security Council engages in peace operations, it first engages in several consultations involving relevant UN players, “the potential host government and parties on the ground, Member States, including states that might contribute troops and police to the operation, regional and intergovernmental organisations, and any other relevant key external partners.” A strategic evaluation is sometimes required by the Secretary- General to allow the UNSC find relevant options for UN engagement. After the initial consultation, the Secretariat sends a technical assessment mission to the country or territory pending deployment.⁶⁸ The assessment mission informs the UN of the situation on the ground and allows it to determine the possible outcome of an operation. A resolution is adopted after the Security Council formally decides a UN peace operation is the most appropriate form of action, with the budget and resources subject to the approval of the General Assembly. The Secretary General then appoints senior officials for the mission in the form of a peace operation’s Force Commander and Police Commissioner, and senior civilian staff. The departments of Peace Operations (DPO) and Operational Support (DOS) then provides civilian components for the peace operation. Thus, the planning phase is led by the Head of Mission, DPO and DOS who put together the political, military, operational, logistics and administration aspects of the peace operation.

⁶⁷ United Nations. *Our History*. Accessed June 24, 2021. <https://peacekeeping.un.org/en/our-history>

⁶⁸ United Nations. *Forming a New Operation*. Accessed August 24, 2021. <https://peacekeeping.un.org/en/forming-new-operation>



Figure 1: Organizational chart for UN field missions⁶⁹

The Security Council prefers a ceasefire agreement to be in place before peace operations are deployed. To help implement brokered agreements and establish peace and security between the parties in a civil war, it is difficult for the Security Council to help implement certain brokered agreements and the UNSC often depends on the good offices of the Secretary General and key, neighbouring states to aid with the negotiations. As a result, the UNSC is often faced with supporting, via a mission, a very flawed agreement.

The decision to act is the Security Council's alone and it is fraught with political tensions. After a decision is made to act, the UN (and especially the UNDPKO and SG's offices) need to consider the availability of resources, in both human and capital terms. Fewer countries, like Canada, are prepared to operate with the UN preferring to operate in the more

⁶⁹ International Peace Institute. 2012. *The Management Handbook for UN Field Missions*. International Peace Institute

familiar NATO-context. Enthusiasm is especially low when dealing with bloody civil wars. Even when the financial burden⁷⁰ of the UN was not as much as it is now, choices of where to interfere were a response to a many different factors. Factors like pressures from Security Council politics especially are influenced by the interests of the P-5. One may argue that the Security Council works with principles to ensure that peace operations are effectively embarked on. These principles are, however, only guidelines which exist in theory but can be ignored in practice.

The mandate given to many peacekeeping operations in Africa have been unrealistic, unsupported, too vague, or too weak.⁷¹ The UN usually leaves parties involved in a conflict in Africa with too much to accomplish on their own and often the parties to the conflict have no incentive to settle – chaos is very lucrative. Operations often fail, as happened in Somalia and the DRC, because the Council’s mandate is to deal with threats to international peace and so they are not engaged at the earlier stages of the peace negotiations. The UNSC also has no intelligence service and depends on the information provided by others – often with hidden agendas. For example, during the Rwandan conflict, Rwanda held a seat on the UNSC, and it was held by a Hutu representative of the genocidaire. When asked if there was going to be mass slaughter in Rwanda, he assured the Council all was well even though he was fully aware of the plan to mass slaughter thousands of Tutsis and moderate Hutus.⁷² The Council, therefore, doesn’t always fully understand the politics surrounding the conflicts although, to their credit, they now regularly hear reports from NGOs on the ground for a more fulsome background to conflicts.

Another issue is resources. In the case of the UN Operation in Somalia (UNOSOM) between 1992 -1993 others have argued that the mandate was not “a lack of political will, but a lack of material and human resources.” Jett and Boulden argue that the number of troops agreed to by the Security Council were fewer than what UN military experts projected for the protection of safe areas.⁷³ One UN commander in Somalia complained about the lack of concern for UN-personnel in performing their responsibilities and the lack of resources for the

⁷⁰ The need to ensure peace and security in the world has increased over the years, as a result, the financial resources available to resolve these conflicts are less than what is required.

⁷¹ Ibid

⁷² Barnett, Michael N. “The UN Security Council, Indifference, and Genocide in Rwanda.” *Cultural Anthropology* 12, no. 4 (1997): 551-78. Accessed July 29,2021. <https://www.jstor.org/stable/656636>

⁷³ Boulden, Jane. 2013. *Responding to Conflicts in Africa: The UN and Regional Organisations*. New York: Palgrave MacMillan

operation. He stated shortly before resigning: “There is a fantastic gap between resolutions of the Security Council, the will to execute those resolutions and the means available to the commanders on the field.”⁷⁴ One may argue that this is the fault of member states who fail to provide the necessary resources. However, the UN is responsible to ensure the execution of commitments from member states.

The process of selecting the right people for any peace operation is one of the important and critical steps the Secretariat and UNDPKO are responsible for. The Special Representative of the Secretary General (SRSG) – always a career civil servant - is the head of the organisation of operations and even though the support staff, administrative and political personnel, are critical to the success of an operation, he or she is the key actor and clearly the person responsible for finding the personnel. This makes the SRSG responsible for ensuring that parties to the conflict “remain committed to peaceful dialogue and renew their consent to the UN operation on a regular basis, by revising the process of implementation whenever necessary to meet the changing circumstances, or altered perspectives of the parties, maintaining international support for the plan and making that support evident on the ground, while ensuring that the political, military, and economic elements of the implementation plan moves forward in a coordinated and coherent manner.”⁷⁵ More than one SRSG has lost their life – the most famous being Count Bernadotte in the first UNTSO mission.⁷⁶

The tasks of UN officials require significant diplomatic, political, and administrative skills and because the SRSGs are one of the keys to a successful operation, the mode and process for their selection is very important. Jett argues that SRSGs are usually high-ranking UN officials with very special relationships with the Secretary-General or has worked with at the UN for a long period of time. An example is the appointment of Yasushi Akashi by Boutros-Ghali as SRSG in Cambodia for the United Nations Transitional Authority in Cambodia (UNTAC). Even though for years Akashi had worked in the UN he had no obvious peace operation experience during his career and was still selected by the Secretary-General to lead the operation.⁷⁷

⁷⁴ Jett, Dennis. 1999. *Why Peacekeeping Fails*. New York. St. Martin's Press.

⁷⁵ Ibid

⁷⁶ Cary David Stanger. "A Haunting Legacy: The Assassination of Count Bernadotte." *Middle East Journal* 42, no. 2 (1988): 260-72. Accessed July 29, 2021. <http://www.jstor.org/stable/4327737>.

⁷⁷ Jett, Dennis. 1999. *Why Peacekeeping Fails*. New York. St. Martin's Press.

Although a lengthy career operating in the UN is regarded a “useful experience when it comes to the complex task of heading” a peace operation, it shouldn’t be regarded as “a sufficient qualification to ensure a good chance of success.” Others argue that the “role of the SRSG calls for more than a successful career at the UN”, and often requires “certain political skills not necessarily possessed” by all senior UN bureaucrats.⁷⁸ In the same light, UN staff are accused of working in silos and being more committed to ensuring their job security, rather than ensuring the success of an operation. Despite the dedication and competence of UN workers, not all UN workers are “capable and committed”. According to Jett, many of the staff at the UN are not enthused about commitments to the principles of the organisation.⁷⁹ They are often inclined to “represent a geographic interest group”, for their self-interest, and job security. They get to keep their jobs because they are secured one way or the other. These factors cause many of the staff to work in silos, making the “culture of secrecy” at the UN and particularly in New York in the office of the Secretariat a norm, thus, causing difficulties for operations to achieve success because everything is inward looking. Mohammed Sahnoun, one of the SRSGs to tackle Somalia described this problem as follows:

An effect of the Cold War which is being felt both in the ineptitude of the UN’s structures and in the waste of its human resources. He argues that much of the recruitment of the UN staff is done through governments and embassies, and the recruitment process does not necessarily respect the criteria of competence and experience. Even less regarded is the criterion of commitment.⁸⁰

Jett describes the UN’s formal personnel management system as dysfunctional due to its methods of evaluating the efficiency of staff.⁸¹ He argues that the existence of an informal network of patron-client relationships prevents the use of a merit system for promotion, which gets about ninety percent of the staff excellent ratings when they don’t deserve them. As a result, getting promoted is a matter of who you know, rather than what you do and how well you do it. Even though there are policies in place for identifying merit-based procedures to improve the selection, preparation, and accountability processes of mission leaders, they are not put into practice. The problem of the quality of personnel sent to operations in Africa is so bad that one UN official cited that “no one volunteers for a field mission, unless they are

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ Jett, Dennis. 1999. *Why Peacekeeping Fails*. New York. St. Martin’s Press.

⁸¹ Ibid

interested in a financial incentive.”⁸² Those assigned are often sent by their supervisors who see it as an opportunity to get rid of staff they deem ineffective. This suggests that peace operations in Africa are potential dumping grounds for placement problems. Even though not all peace operational officers sent to Africa are incapable, the few who lack commitment or ability reduces the chances of a successful operation.

It has been nearly 30 years since Jett made his assessment of the UN personnel management system. Over the years, the UN has evolved greatly with departments evaluating the quality of personnel and staff for peace operations. The DPO and DOS are responsible for the assessments of military and civilian staff to ensure that they are capable and well-trained for a peace operation. The DPO for instance has three main offices – the Office of the Rule of Law and Security Institutions (OROLSI), Office of Military Affairs (OMA) and the Policy, Evaluation and Training Division (DPET). The DPET works “to develop” and ensure that the “policy and doctrine guiding the work of peacekeeping” are well distributed amongst personnel. It also has the responsibility to evaluate how policies are applied, gather lessons learned and best practices to “guide the development, coordination, and delivery” of standardised training. To further show how the UN has evolved over the years, the OMA ensures that the most appropriate military capability in support of UN objectives is deployed for peace operations. According to the UN, the new practices adopted enhances the performance and improves the efficiency and the effectiveness of military components in UN peacekeeping missions.⁸³

Although the UN has a body responsible to train military troops for operations, it is challenged in deciding on the right people to send on a peace operation including the inability to determine the quality of peace operation troops sent on missions.⁸⁴ The UN requires Member States to contribute military and police personnel required for an operation since it has no standing force of its own. As a result, the criteria for the selection of peace operation troops falls on individual states. UN troops have been associated with issues of corruption and abuse.⁸⁵ The UN finds this difficult to manage for two main reasons. First, until recently, it lacked authority to discipline those who served in its name – that was the responsibility of national

⁸² Ibid

⁸³ United Nations. *Department of Peace Operations*. Accessed 30 July, 2021.

<https://peacekeeping.un.org/en/department-of-peace-operations>

⁸⁴ Thierry, Tardy. “Hybrid Peace Operations: Rationale and challenges” *Global Governance*, Vol. 20, No.1, 2014. pp. 95-118, www.jstor.org/stable/24526183

⁸⁵ Ibid

authorities although the UN now has its own process.⁸⁶ Second, as the UN depends on member states for any action to be taken in a variety of areas, it avoids embarrassing a member state even if it means tolerating unacceptable actions. The UN now has standards of conduct which serves as a check to ensure that all peacekeeping personnel exhibit the highest standards of behaviour and always ‘conduct themselves in a professional and disciplined manner.’ Despite the existence of a standard of conduct, the UN still struggles with dealing with corruption and abuse associated with troops. Cases in the past where the UN tried to address instances of corruption proved ineffective. An example is the case of troops from the former Soviet Bloc nations in the Yugoslavian operation who were said to be active in black marketeering. In this case, Russia, a permanent member of the UN Security Council was accused of hampering investigations making it impossible for the UN to investigate fully these allegations, let alone dispense punishment.

The Challenges of Peace Operations

The UNSC has long preferred regional solutions to regional problems. Indeed, the original concept of the UNSC and Permanent Members was for each to lead a region which would arrange for solutions for peace breaking events. It is still the UNSC’s preferred option for local and regional actors to take the lead in framing the conflicts and suggesting solutions which the UNSC can then back with its authority.⁸⁷

In an *Agenda for Peace*, Boutros Boutros-Ghali’s address to Africa’s concerns about being the backwater in UN peace operations included the idea of partnership cooperation and burden sharing, with regional organisations. This required a division of labour between developed and developing states during peace operations. The idea of partnership cooperation has been embraced by the African continent with the African Union and its predecessor, the OAU, recognised as the regional organisation mandated through the Security Council to act as first respondents to conflicts in Africa.⁸⁸ Although this idea has been embraced by both the

⁸⁶ United Nations. United Nations Peacekeeping. *Standards of Conduct*. Accessed on 30 July 2021. <https://peacekeeping.un.org/en/standards-of-conduct>

⁸⁷ Hettne, Björn, and Fredrik Söderbaum. "The UN and Regional Organizations in Global Security: Competing or Complementary Logics?" *Global Governance* 12, no. 3 (2006): 227-32. Accessed July 30, 2021. <http://www.jstor.org/stable/27800614>.

⁸⁸ A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping. https://peacekeeping.un.org/sites/default/files/newhorizon_0.pdf

international and local communities, policymakers on the sides of both the UN and regional organisations have identified several challenges with the strategy.⁸⁹

The main reason for this approach is to ensure that the UN is not accused of colonialism. Given the history of Africa and the fact that many of the troop contributing countries in the early days of peacekeeping were former colonisers, the UN sought to engage the regional organisations whenever possible. While the UN used to have the lead role during the Cold War, largely as result of great power politics, regional organisations have the lead in the post-Cold War era. Scholars like Boulden confirm that regional organisations end up undertaking the bulk of the peace operation burden, causing African states to bear most of the burden of the conflict-response at both the local and international level.⁹⁰

The Economic Community of West African States (ECOWAS) and its military arm the Economic Community of West African States Monitoring Group (ECOMOG), has taken the lead in many conflicts involving its member states including Liberia, Sierra Leone, and Côte d'Ivoire. ECOMOG and the UN have worked together on numerous occasions with ECOMOG often providing the bulk of the troops. ECOMOG is not without its issues. Indeed, it was pejoratively referred to as “every car and moving object gone”.⁹¹

The 2015 UN HIPPO report also raises various concerns about UN partnerships in peace operations. It argues that the UN does not have a strong global-regional framework to mobilise its “comparative advantages in responding to emerging crisis” whilst “sustaining support to long-running ones.”⁹² Because of this, a hasty and ad hoc response is usually assembled for each crisis, making it difficult for the UN to analyse carefully, successfully strategize, plan, and provide realistic mandates. The aforementioned process allows the UN to explicitly integrate a regional dimension in addressing conflict dynamics, but responsibility must also be borne by the regional organisation to warn of a problem before it reaches a crisis

⁸⁹ Cronin, Bruce. “Two Faces of the United Nations: The Tension Between Intergovernmentalism and Transnationalism.” *Global Governance*, Vol.8. No. 1, 2002, pp. 53-71. https://www-jstor-org.uml.idm.oclc.org/stable/27800327?seq=1#metadata_info_tab_contents

⁹⁰ Boulden, Jane. 2013. *Responding to Conflicts in Africa: The UN and Regional Organisations*. New York: Palgrave MacMillan

⁹¹ Gberie, Lansana. "ECOMOG: The Story of an Heroic Failure." *African Affairs* 102, no. 406 (2003): 147-54. Accessed on July 31, 2021. <http://www.jstor.org/stable/3518403>.

⁹² Report presented to the Secretary-General on June 16, 2015, by the High-Level Independent Panel on Peace Operations. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

stage. Thus, the Security Council's challenge to "embrace a dual role as one - a partner, responding politically and operationally alongside others, and two – an enabler and facilitator of others to"⁹³ play their increasingly prominent roles places limitations on the possibility of attaining successes when partnering with other regional organisations. The operational (regional organisations) vs strategic (UNSC) roles make sense but are not without challenges. The HIPPO report stated:

The African Union and its sub-regional partners, in particular, have become increasingly operational. Whether in preventing conflict or responding to it, the UN's regional partnerships in Africa must be intensified and made more predictable through mechanisms for collaboration and by optimising the use of limited resources.⁹⁴

This acknowledgment by the UN report confirms that the UN, when partnering with the AU especially, has different foci. Consequently, there are few avenues for "shared assessments, sound consultative mechanisms for decision-making and tools for collaborative planning and operations across the conflict cycle"⁹⁵ although the AU and UNSC have been working toward greater collaboration. Indeed, in a recent press release the Secretary General Gueterres announced collaboration had increased "exponentially".⁹⁶

Aside from partnering with regional organisations, the Security Council also partners with other organs within its own system. The HIPPO report also suggests the Security Council could find more "creative ways to leverage the comparative" advantage of the whole system to "deliver better results in an integrated manner" when partnering with the AU in peace operations. Because "UN peace operations are political partnerships, that express political will and resources of the international community to respond to a crisis," they outline expressions of different interests and concerns of both the Council and troop and police – contributing countries. Recognising this deficiency, the UN often partners with the International Criminal Police Organisation (INTERPOL),⁹⁷ non-governmental organisations (NGO) and think tanks

⁹³ Report presented to the Secretary-General on June 16, 2015, by the High-Level Independent Panel on Peace Operations. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446

⁹⁴ Ibid

⁹⁵ Ibid

⁹⁶ United Nations. *Meetings Coverage and Press Releases*. Accessed on 30 July, 2021. <https://www.un.org/press/en/2021/sc14498.doc.htm>

⁹⁷ INTERPOL. 2021. "UNGA and UNSC resolutions highlighting INTERPOL's role". Accessed on 3 August 2021. <https://www.interpol.int/en/Our-partners/International-organization-partners/INTERPOL-and-the-United-Nations/UNGA-and-UNSC-resolutions-highlighting-INTERPOL-s-role>

(including a training session for new members of the UNSC).⁹⁸ According to the UN, “the UN Secretariat, supports peace operations in the field with about 97,000 uniformed personnel from over 120 countries⁹⁹ with almost 14,000 civilian personnel¹⁰⁰ who until 2019, made up more than 55 percent of all the Secretariat’s civilian staff with a peace operations budget four times larger than the rest of the Secretariat combined.”¹⁰¹ It is therefore important for the UN to check negative administrative practices to develop mindsets which are more focused and effective and maximise the use of scarce resources to ensure that peace operations are field-focused and field-enabled.

The Security Council has broadly embraced partnering with other organisations as the best strategy to ensure successful peace operations, not just in Africa but in the world. Based on the reports from the UN and the conclusions from researchers in the field, it is very clear that a lot of work needs to be done at the organisational level and on the field, for a successful peace operation. It is also important to ensure that all systems are in place at the organisational level because that’s the foundation of an operation. Thus, failure to ensure that strategies are accurate and tailored specifically to suit the crisis in question, would mean the UN has already failed the mission at the organisational level, before getting on the field. Due to this reason, future successes in partnered operations in Africa depends on the UN’s ability to make important shifts in its mindset and actions and there is evidence (from partnering with NGOs and Interpol, to new processes for conduct of behaviour) that this is happening. The UNSC strives to deploy peace operations “as part of a broader strategy in support of political” processes.

In conclusion, the UN faces severe challenges in ensuring peace and stability in Africa. First, the UN is inconsistent in leading a region and arranging solutions for peace breaking events. This has in effect caused regional organisations to take the bulk of peace operations. Second is the UN’s challenge in embracing its “dual role” as a “partner responding politically and operationally alongside” others and “as an enabler and facilitator.” Finally, the organisational hiccups within the UN shows that it needs to have strategies which are accurate and tailored specifically to suit a crisis in question. The UNSC is certainly flawed but it has

⁹⁸ Unitar. “*Orientation Course on the Security Council for Members of the Council*”. Accessed 3 August 2021. <https://www.unitar.org/event/full-catalog/orientation-course-security-council-members-council>

⁹⁹ United Nations. *United Nations Peacekeeping Military*. Accessed 23 June 2021. <https://peacekeeping.un.org/en/military>

¹⁰⁰ Ibid

¹⁰¹ Jett, Dennis. 1999. *Why Peacekeeping Fails*. New York. St. Martin’s Press.

made improvements in addressing some of these challenges. It provides training sessions for staff and peacekeepers and has introduced a conduct of behaviour policy to check the attitudes of peacekeepers during an operation. It also strives to deploy peace operations as part of a strategy in support of a peace process. The next chapter focuses on the AU and its experience with peace operations in Africa.

Chapter II: The African Union and Peace Operations in Africa

Africa was once regarded as “the” dark continent due to a limited amount of knowledge of its existence by the racist colonial empires in the West. The continent, after its ‘discovery’ by the West, was “annexed to fulfill three purposes: the spirit of adventure, the desire to support the good work of civilising the “natives”, and the hope of fulfilling the desires for economic exploitation.”¹⁰² During the early 18th century, Africa was believed to be locked in darkness where danger and diseases prevailed. The so-called period of “enlightenment” therefore gave way to Western science, Christianity, civilisation, commerce, and colonialism. Arguably, conclusions drawn from comparing Africa in the past to the Africa of today shows that much has not changed on the continent in terms of economic challenges, ecological strains, population growth stresses, health issues, poverty, political instability¹⁰³ and most importantly¹⁰⁴, violent conflicts, since the continent was “discovered.” It is recognised that years of colonisation and conflicts have negatively compromised the development of the continent. The bloodiest conflicts with major human security costs and fatalities like those in the Rwanda, Somalia, the DRC, CAR, Mali, and Sudan have resulted in devastating effects on communities. These conflicts have not only posed security challenges to the continent, but have also produced breeding grounds for health epidemics, human and drug trafficking, and terrorism not to mention climate change. Most devastating has been the forced migration and expulsion of thousands of Africans who are now internally displaced, refugees in Europe and elsewhere or die in transit.

The World Bank in its 2011 World Development Report, noted that conflicts are now progressively “cyclical and intractable events”. Over 90 percent of the civil wars in the 2000s were fought in countries that had experienced a violent civil conflict in the past 30 years.¹⁰⁵ This means that most countries on the continent that have experienced some form of violent conflict in their not-too-distant past are expected to be involved in some form of violent conflicts in the future. Presently, the World Bank emphasises that fragility, conflict, and violence (FCV) “is a critical development challenge that threatens efforts to end extreme

¹⁰² Hobson, J. A. *Imperialism: a Study* 3rd ed., rev. & reset. --. London: Allen & Unwin, 1938.

¹⁰³ Central Intelligence Agency. CIA World Fact book. The world factbook: www.cia.gov

¹⁰⁴ In this regard, violent conflicts continue to be the most important factor challenging the degree to which peace can be attained on the African continent. Despite only 12 percent of the global population live on the continent, it appears that Africa has experienced more violent conflicts than other continents simply because of the intractable nature of wars on the continent. African civil wars are also known to last longer. On average, African wars last about eight years while the global average is about six and a half years, with the continent losing about \$18 billion per year due to violent conflicts. See (Uppsala/PRIO Armed Conflict Dataset, 2011)

¹⁰⁵ World Bank Group. 2011. World Development Report: Conflict, Security and Development. Washington D.C

poverty, affecting both low- and middle-income countries.”¹⁰⁶ In addition to the extreme rise in poverty, violent conflict has also spiked dramatically since 2010, coupled with climate change, rising inequality and the “COVID-19 pandemic adds greater stress which threatens to reverse decades of advancements in poverty reduction and development.”¹⁰⁷

According to the UN, Africa is expected to be home to more than 2.2 billion people by 2050¹⁰⁸, with more than half the population younger than 30 years of age. A possible implication of this is that Africa will be more prone to violent conflicts because of the high ratio of a youth population in contrast with the older population if sustainable solutions are not found to curb or manage them. Additionally, new, and emerging threats, such as climate change, health pandemics, human and drug trafficking, and international terrorism, pose serious safety challenges to most communities across Africa, both within and across national borders. This growing recognition of violence and conditions of insecurity as an impediment to real growth and development¹⁰⁹ has led to the development of important initiatives, like partnerships in peace operations on the continent with both Africans and external actors who benefit directly and indirectly from the continent. This chapter focuses solely on African actors, and specifically the African Union (AU).

The first part of the chapter examines the AU as an organisation established to ensure peace and security by scrutinising first, the motives for the formation of missions and outlining its peace and security engagement roles and objectives. The mandates and functions of the bodies making up its peace and security council are then carefully considered. It also explains the legitimate role of the AU as a major actor in ensuring peace and security in Africa.

The second part examines the challenges existing between the policies formulated for peace operations and the actual application of these policies on the ground. This section investigates specific policies formulated by the AU for peace operations and the mode for their implementation, while investigating the overarching reasons for cooperating with other organisations. Finally, the last section examines the challenges the AU faces in engaging in peace operations.

¹⁰⁶ World Bank Group. 2021. Understanding Poverty, Fragility, Conflict and Violence. Accessed on 3 August 2021. <https://www.worldbank.org/en/topic/fragilityconflictviolence/overview>

¹⁰⁷ Ibid

¹⁰⁸ United Nations, Department of Economic and Social Affairs, Population Division (2019). World Population Prospects 2019: Online Edition.

¹⁰⁹ Collier, Paul. 2007. *The Bottom Billion: Why the Poorest Countries are Failing and What can be Done About It*. Oxford: Oxford University

AU Formation, Legitimacy and Peace Operations in Africa

The AU was the successor organisation to the Organisation of African Unity (OAU) and was formed to “achieve greater unity and solidarity between the African countries and the people of Africa.” Another objective critical to this study is its focus to promote peace, security, and stability on the continent.¹¹⁰ The primary aims of the OAU was to coordinate and intensify the cooperation of African states to achieve a better life for the people of Africa, defend the sovereignty, territorial integrity, and independence of African states.¹¹¹ To achieve this goal, the OAU was devoted to ensure that colonialism and white minority rule is erased because 1963 – the year the OAU was formed, the race was on for many states to gain independence.¹¹² Besides its primary aims, the OAU intended to settle disputes and arguments between members through peaceful negotiations to ensure that all Africans enjoyed human rights. Having grown from 33 members to 54 the “unity” had been achieved but more still needed to be done.

The OAU was criticised for being too bureaucratic due to its inability to implement decisions and its incapacity to stop the civil wars in Nigeria and Angola. It was also silent about widespread human rights abuses in Uganda by Idi Amin. The policy of non-interference in the internal affairs of member states made it difficult for the OAU to implement decisions. Regardless of the criticisms against the OAU, it achieved some successes such as setting up the African Development Bank (ADB) for economic projects. The agreement establishing the ADB was signed on August 4, 1963 in Khartoum, Sudan by twenty-three African governments and entered into force on September 10, 1964 when twenty member countries provided sixty-five per cent of the initial authorised capital stock.¹¹³ Due to the notion that the OAU was focused mainly on decolonisation and freeing the continent of apartheid,¹¹⁴ it decided to shift its attention from these towards “increased cooperation and integration of African states to drive Africa’s growth and economic development.”¹¹⁵

¹¹⁰ Besides anticipating and preventing conflicts, on the African continent, the AU is responsible for the promotion unity, and solidarity of African States. This is meant to be achieved by coordinating and intensifying cooperation efforts among African states as well as defending their sovereignty, territorial integrity and independence.

¹¹¹ “The OAU Charter.” Africa report 8, no. 6 (1963): 11–11.

¹¹² African Union. About the African Union. Accessed on 3 August 2021. <https://au.int/en/overview>

¹¹³ “Agreement Establishing the African Development Bank.” In Documents in International Economic Law, 470–503. Routledge, 2006.

¹¹⁴ Ibid

¹¹⁵ Mingst, Karen A. 1990. *Politics and the African Development Bank* Lexington, KY: University Press of Kentucky.

The AU replaced the OAU in July 2002 with the aim of giving special attention to the areas ignored by its predecessor. To ensure this, the creators of the AU designed a peace and security institution known as the African Peace and Security Architecture (APSA). Although the failure of the OAU highly influenced the transformation of the OAU into the AU, other factors, like the desire to find African solutions to African problems, influenced the AU and how it operates to find peace through African-led operations in Africa.

Before the formation of the AU, Africa had no means of resolving conflicts through peace operations except via sub-regional organisations such as ECOWAS. Many African states, therefore, were dependent on the UN Security Council and former colonial states (such as the UK, France, Portugal, Germany, Italy, and Belgium) to provide resources, undertake negotiations, provide mandates, and deploy troops to ensure peace in conflicted areas in Africa. The formation of the AU and specifically its PSC, was to coordinate both regional and UN efforts.

The struggles of the UN to organise missions in Africa (a combination of the US's refusal to deploy troops, lack of resources and attention to the Balkans in the 1990s) meant that Africa needed to find strategies suitable to solve African conflicts. The call was for "African solutions to African problems."¹¹⁶ The idea was that only Africans could fully appreciate all of the complexity of wars on their continent.

AU Structure, Objectives and Processes for Peace and Security in Africa

To promote peace, security and stability on the African continent, the AU adopted the African Peace and Security Architecture (APSA) at the centre of which is the Peace and Security Council (PSC).¹¹⁷ The PSC is supported by The Panel of the Wise, a Continental Early Warning System (CEWS), an African Standby Force (ASF), the Peace Fund and additional components like the "Military Staff Committee, and the Regional Mechanisms for Conflict Prevention, Management and Resolution." All of these organs fall under the umbrella of the PSC's APSA and work together as a team to achieve peace and security in Africa. Its the responsibility of the PSC to anticipate and prevent disputes and conflicts, including the detection of policies which may lead to massacre and humanitarian crimes.

¹¹⁶ ISS. 2008. *African Solutions to African Problems*. Accessed on 3 August 2021. <https://issafrica.org/iss-today/african-solutions-to-african-problems#:~:text=The%20catchall%20phrase%20%E2%80%9CAfrican%20solutions,acquired%20a%20degree%20of%20autonomy.>

¹¹⁷Tieku, Thomas Kwasi. 2013. "The African Union." In *Responding to Conflict in Africa*, by Jane Boulden (eds), 33-50. New York: Palgrave Macmillan

Thus theoretically, it is believed that when disputes and conflicts occur, the AU undertakes peacemaking and peacebuilding functions to resolve these conflicts, by authorising the mounting and deployment of peace support missions, which usually have specific guidelines and mandates for the execution of the mission. In cases where unconstitutional changes of government occur among Member States, the PSC reserves the right to apply sanctions and execute follow-ups by ensuring that ‘democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, as well as the respect for the sanctity of human life and international humanitarian’ laws are practiced in these states. The AU goes through various processes before decisions about how to apply, for example, sanctions on member states who have engaged in unconstitutional changes of government. Before items are accepted on the PSC’s agenda, they must have been submissions from either member states, the Chair of the AU Commission, the Panel of the Wise, or a Regional Economic Communities (RECs). Civil society organisations can initiate agenda items, are, however, limited to concerns on issues of political will and state sovereignty.¹¹⁸

The PSC has fifteen members; five of whom are elected for a term of three years and the remaining ten are elected for a period of two years. According to the PSC (whose website has not been updated since November 2015), members are elected according to the “principle of equitable regional representation and national rotation.”¹¹⁹ The fifteen members of the PSC are elected from candidates from the five regions of the AU – East, West, North, South, and Central. Four of these representatives are from the West, three from the East, Central and South and two from the North. Because there are no permanent members theoretically,¹²⁰ Member States are allowed to seek immediate re-election when their term of office is exhausted. The AU has conditions for the selection of Member States who seek to be a part of the Council. These conditions serve as the criteria for selection. These include their participation in conflict resolution, participation in peacebuilding and peacemaking at both regional and continental levels, their demonstration of the ability to take up responsibility for regional and continental conflict resolution initiatives and their contributions to the Peace/Special Fund. In addition, selections are supposed to be a function of respect for constitutional governance, the rule of

¹¹⁸ Kuwali, Dan. 2017. “Squaring the Circle: The Role of the African Peace and Security Architecture.” In *The Palgrave Handbook of Peacebuilding in Africa*, by Tony Karbo and Kudrat Virk, 45-63. New York: Palgrave Macmillan.

¹¹⁹ PSC. 2015. *The Peace and Security Council of the African Union (AUPSC)*. Accessed 4 August 2021. <https://www.peaceau.org/en/page/42-psc>

¹²⁰ Ibid

law, human rights, and finally the commitment of the state in question with regards to its overall financial obligations and contribution to the organisation.

Although these are considered a good, abstract criteria for selecting who gets to be on the PSC, the AU does not disclose the procedures involved in assessing which states have successfully met all the conditions stated above. This lack of transparency is highly problematic and is an echo of the “strong men of Africa” acquiescence of the OAU. It undermines the ability of the AU to achieve its objectives and functions and outline how all of these ambitious objectives can be achieved.

The PSC plays many roles together with the Chairperson of the AU Commission.¹²¹ It is the responsibility of the PSC to authorise the mounting and deployment of the AU’s peace support missions and lay down general guidelines for the conduct of such missions including the mandate of the mission. The African Standby Force is commissioned to implement mandates which can be from the PSC or the UNSC.¹²² The PSC also seeks to predict and end disputes and conflicts as well as policies, which may lead to genocide and crime against humanity. It is also the implementor of the AU’s ‘common defence policy’ and ensures that ‘key conventions and instruments to combat international terrorism’ are respected.

To ensure that the work of the PSC runs smoothly, the Panel of the Wise who have different roles from the CEWS supports the promotion and maintenance of peace, security, and stability in Africa by exercising preventive diplomacy and mediation. This Panel is currently made up of five Africans – Mr. Amr Moussa (from Egypt and representative for the Northern Africa Region), Mrs. Ellen Johnson Sirleaf (former President of Liberia and representative for the Western Africa Region), Dr. Specioza Wandira Kazibwe (from Uganda and representative for the Eastern Africa Region), Mrs. Honorine Nzet Bitéghé (from Gabon and the representative for the Central Africa Region) and Mr. Hifikepunye Pohamba (from Namibia and representative for the Southern Africa Region)¹²³ who have been selected by the Chairperson of the AU Commission. Selection is usually based on competence and regional representation, with a term of three years, that can be renewed after three years. The personalities selected to serve on the Panel are usually highly regarded because they have made

¹²¹ Ibid

¹²² Peace and Security Council.2010. African Peace and Security Architecture (APSA): 2010 Assessment Study. <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>

¹²³ Ngandu, Yvette Kapinga. n.d. *The Panel of the Wise: Its Role in Preventing Violent Conflicts in Africa*. Accessed June 24, 2021. <https://www.un.org/en/chronicle/article/panel-wise-its-role-preventing-violent-conflicts-africa>

great contributions to ensure peace and security in Africa and/or are politically acceptable to the majority of states.

Just like its name suggests, the main role of the Continental and Early Warning System (CEWS) is to anticipate and “prevent conflicts on the continent”, by providing early warnings through its monitoring and observation centre known as the “Situation Room” and advising on potential and evolving conflicts, as well as threats to peace and security on the continent, based on specifically developed indicators to the PSC through the chairperson of the African Union Commission (AUC). The Chairperson of the AUC is supported by the AU Commissioner for Peace and Security and mainly provides support to the PSC by implementing and following up on decisions made by the PSC. The Chairperson of the AUC keeps the PSC informed on its activities and issues periodic reports and documents. To ensure the PSC effectively manages conflicts which have already begun, the African Standby Force (ASF) manages them by containing their spread, supports peace processes, enforces decisions, support peacebuilding activities and undertakes humanitarian actions to manage effectively and help rebuild a state after disaster.

In theory, the African Peace Fund (APF) is designed to be the source of funding for the activities of the PSC raised by dues from the member states. This fund is meant “to provide the financial resources” needed for operational activities for peace support missions related to peace and security. According to the AU, the Peace Fund attains resources through the regular budget of the AU, voluntary contributions from Member States, the private sector, civil society, individuals, and fundraising activities. This claim is, however, entirely different in practice because not only does the AU heavily depend “on external support for the implementation of its peace and security agenda”, it also does not have an effective financial administration system.¹²⁴ This means that the AU’s inability to manage the APF effectively limits the APF from performing its role to its fullest capacity.

¹²⁴ Kuwali, Dan. 2017. “Squaring the Circle: The Role of the African Peace and Security Architecture.” In *The Palgrave Handbook of Peacebuilding in Africa*, by Tony Karbo and Kudrat Virk, 45-63. New York: Palgrave Macmillan.



Figure 2. African Peace and Security Architecture¹²⁵

APSA Strategies, Implementation and Challenges

On paper, the PSC seems to have established structures and processes ready for implementation to achieve peace and security in Africa. Theoretically, the existence of various organs with the roles they each play tailored to aid the PSC in exercising its responsibility makes the objectives of the PSC seem attainable, but this is very different in practice. It's commendable how the AU has a peace and security architecture dedicated to ensuring peace and security on the continent. The existence of supplementary organs designed to specifically tackle and regulate every possible area of conflict from early detection to peacebuilding shows in theory that the AU means business and is ready to do all things necessary to ensure the African continent achieves peace and security for a long period of time.

Many researchers have, however, identified inconsistencies in the AU's practices, whose effects have presented key challenges in preventing the AU from implementing these strategies to achieve its objectives. These key challenges include the politics of the PSC, the inaction of the Panel of the Wise to mediate or undertake peace operations when conflicts break

¹²⁵The Graduate Institute Geneva. 2019. *New: The Challenges to the African Peace and Security Architecture*. Accessed June 25, 2021. <https://www.graduateinstitute.ch/communications/news/challenges-african-peace-and-security-architecture>

out, the failure of the CEWS to provide timely advice to the PSC and the ineffective operationalisation of the African Standby Force (ASF). This realisation, therefore, makes achieving the objectives of the APSA mere theory and as such, unrealistic. The challenges identified have been associated with the AU's capacity in implementing these objectives in ensuring peace and security and the challenges encountered based on the structures it has put in place to achieve its objectives.

The structure of the PSC and the UN Security Council have many commonalities. However, the PSC is considered more democratic¹²⁶ than the UN Security Council because all of its decisions are taken by consensus which is supposed to promote a common approach. What it does is often find the least offensive of options politically-speaking. Researchers like Levitt have observed that although the AU's PSC has legitimate powers from member states, it still lacks the authority to make final decisions concerning certain interventions. According to Levitt, Article 4(h) of the AU Constitutive Act, for instance, grants the AU the right to "intervene in a member state in grave circumstances in the form of genocide, war crimes, and crimes against humanity."¹²⁷ Most often, Member states, like Mali, in violation of AU protocols against war crimes, democracy, humanity and genocide, have been suspended or kicked out of the AU Assembly. But this means they save on dues owing the AU and they tend to gain the support of other member states allied with the censured state, thus creating conflicts of interest in dealing with member states who have violated these protocols.

The AU PSC's ability to intervene without delay, especially in situations needing urgent direct intervention, is also questioned because the Assembly only meets twice a year. In this regard, the AU Constitutive Act has been signed by all of the states in Africa, the 55 AU Member States. Yet the AU Charter on Democracy, Elections and Governance on the other hand, has been signed by only 46 states and ratified by only 23 of those states.¹²⁸ The PSC however needs 2/3 of Member states thus 36 members for the AU Charter on Democracy to come into effect. The low approval of the AU Charter on Democracy, Elections and Governance in practice, prevents the AU from responding efficiently to conflicts.

Tieku examines the capacity of the AU to execute its peace and security strategy and argues that the peace and security ideas of the AU are so ambitious that they make even the

¹²⁶Levitt, Jeremy I. 2003. "The Peace and Security Council of the African Union: The Known Unknowns." *Transnational Law & Contemporary Problems* 13(1):116

¹²⁷ Ibid

¹²⁸Institute for Security Studies (ISS), Focus on human rights a change of direction for the AU, 12 January 2016.

UN seem competent about attaining peace and security in Africa.¹²⁹ To Tiekku, the objectives of the AU's PSC to ensure conflict prevention and resolution through institutionalising democracy and the rule of law, for example, are unrealistic and difficult to implement, because most African states have different interpretations of "democracy" and the AU is hardly an objective body. This causes a major implementation problem for the AU because most of the most problematic states for conflict and behaviour happen to be the largest contributors to the AU's operational budget. As such, Algeria, Nigeria, Egypt and Libya, which contribute about 75 percent of the AU's operational budget often disregard of the principles the PSC aims to uphold.¹³⁰

Tiekku questions the legitimacy of the AU and concludes that it is an undemocratic institution and therefore incapable of implementing its objectives. Even though it has adopted democratic governance as the prerequisite ingredient needed by the African continent to attain peace and security, most African states do not engage in democratic practices. Tiekku identifies "AU bureaucrats, members of the Council of Ministers, and civil society groups who developed these security ideas as unelected officials."¹³¹ To buttress Tiekku's arguments, Rubenfeld of Yale Law School identifies international organisations like the AU as "anything but democratic" lacking the "process of popular deliberation and consent".¹³² These observations by Tiekku and Rubenfeld cast serious doubts on the AU's claims of being the legitimate and primary actor responsible for ensuring peace and security in Africa. To add to the above, most of the AU's leaders responsible for ensuring these objectives are implemented have been accused of exhibiting double standards in the performance of their roles.¹³³ The rules they preach in the AU are different from what they practice in their countries.

The double standard role of some of the AU leaders is often interpreted as license by other leaders to also flout the rules. The AU recognises its members as sovereign states. Thus, by this principle, and the fact that it lacks the mandate to interfere in the internal affairs of its members without authorisation from the AU Assembly, it also prevents it from inspecting and ensuring that newly formed governments accept the peace and security norms of the organisation before assuming a seat in the organisation. There are no monitoring mechanisms

¹²⁹ Tiekku, Thomas Kwasi.2013. "The African Union." *In Responding to Conflict in Africa*. Edited by Jane Boulden, 33-50. New York: Palgrave Macmillan

¹³⁰ Ibid

¹³¹ Tiekku, Thomas Kwasi.2013. "The African Union." *In Responding to Conflict in Africa*. Edited by Jane Boulden, 33-50. New York: Palgrave Macmillan

¹³² Rubenfeld, Jed. 2004. "Unilateralism and Constitutionalism." *HeinOnline Law Journal Library* (New York University Law Review) Vol. 79(6):1971-2028

¹³³ Ibid

set up in the AU to ensure states follow the protocols set up by the organisation. This problem is partly due to the bureaucratic nature of the organisation, which to an extent, prevents the participation of ordinary citizens in the decision-making of the organisation making the AU's ability to monitor states more difficult. This, however, is no different from the UN – both are member state organisations.

The Panel of the Wise, in practice, is supposed to mediate between groups at war or in situations where conflicts are most likely to occur. Even though it played, behind the scene, a role in the post-election violence in Kenya between 2007-2008 and was actively involved in mediation following the Afro-Arab Spring in 2011,¹³⁴ it has played almost no major role when it comes to mediation and peacemaking. This is highly evident in its role in predicting the extra instability that comes with thousands of refugees or internally displaced persons (IDPs) and the role it played during the 2011 Arab Spring uprisings. Rather than foresee the pending or potential crises by looking at emerging issues, it chose to deal with the crisis after it had already occurred.¹³⁵ This not only questions the ability of the Panel of the Wise to use mediation as a means of preventing crisis from escalating to conflicts and eventually wars, it also increases the work of the PSC, in that, it has to figure out how to bridge the gap between conflicted groups before escalating into wars, making it overwhelming for the Council to carry out its duties. This situation has also downplayed the importance of the Panel's right to initiative and in practice deepened the AU's dependence "on special envoys, special representatives, ad hoc committees, and high-level panels for its mediation and peacemaking activities."¹³⁶

As the Panel meets only several times a year, it's not always available to "mediate" or "undertake" peace operations when conflicts break out. Thus, conflicts move far along before the Panel mediates. Contributing to this problem, its members, though highly respected, are weak because they have succumbed to old age or tight schedules and, as such, are unable to engage fully in intensive mediation to enhance the peace and security strategy of the AU. The Panel also has a pre-determined schedule, which has caused them to meet less times than are needed, making it ill-suited for the growing demands of mediation and peacemaking. In its 20th Statutory meeting on October 28, 2019, a statement by Ambassador Smail Chergui identified

¹³⁴ The Panel assisted in mediating between the warring factions; and produced a thematic report on election-related disputes and violence in Africa which was adopted July 2009. See ISS's "New Panel of the Wise Has a Lot on Its Plate" for a detailed account on its dealings and contributions to Afro-Arab Spring of 2011, see [https:// www.issafrica.org/pscreport/addis-insights/new-panel-of-the-wise-has-a-lot-on-its-plate](https://www.issafrica.org/pscreport/addis-insights/new-panel-of-the-wise-has-a-lot-on-its-plate).

¹³⁵ ISS's "New Panel of the Wise Has a Lot on Its Plate" for a detailed account on its dealings and contributions to Afro-Arab Spring of 2011, see [https:// www.issafrica.org/pscreport/addis-insights/new-panel-of-the-wise-has-a-lot-on-its-plate](https://www.issafrica.org/pscreport/addis-insights/new-panel-of-the-wise-has-a-lot-on-its-plate).

¹³⁶ Ibid

the shortcomings of the Panel in connection with its challenges as a mediator and its inability to respond on time due to its meeting schedules, He lamented that, “we need to do more to foster dialogue between parties at conflicts to improve relations and therefore prevent the escalation of communal conflicts”¹³⁷.

Even though the CEWS is tasked with providing timely advice on potential conflicts and threats to peace and security to the PSC through the Chairperson of the AU Commission, it fails to share systematically sensitive security information.¹³⁸ In theory, “the CEWS Situation Room is connected to the observation and monitoring units of the sub-regional mechanisms in each of Africa’s five sub-regions”.¹³⁹ The Southern, Eastern, Western, Central and Northern parts of Africa are all connected with the primary aim of sharing information on impending conflicts with the PSC. This information shared with the PSC in theory is meant to provide timely advice on the “appropriate responses to potential or actual conflict”, even if the PSC does not always act “on warnings about imminent crises” in practice, due to “poor communication between the two organs.”¹⁴⁰ But, even though the CEWS is well-positioned to give early warnings of conflicts, “still lacks the capacity to analyse raw conflict-related data, and continues to need more highly trained and experienced analysts” to perform this task.

The AU has also been accused by researchers of ineffectively operationalising the African Standby Force (ASF). According to Apuuli, the ASF has been unable to initiate a rapid deployment capability because of the lack of capacity to immediately respond to a crisis.¹⁴¹ The inability to fully operationalise the ASF has led the AU to face very serious crises in Côte d’Ivoire (2010-2011), the Arab Spring in Tunisia, Egypt and Libya (2011), Mali (2012-2013), CAR (2013-2014) and South Sudan (2013-to date).¹⁴² The AU was unable to mobilise resources for the ASF and has depended on French military intervention and resources.. The inability of the ASF to respond effectively to these crises, prompted South Africa to propose

¹³⁷ 20th Statutory meeting of the African Union Panel of the Wise statement of Ambassador Smail Chergui AU Commissioner for Peace and Security Djibouti, 28 October 2019. <http://www.peaceau.org/uploads/speech-chergui-pow.pdf>

¹³⁸ Background Note from ECDPM, on peacebuilding, conflict prevention and conflict monitoring in the African Peace and Security Architecture, Sophie Desmidt, August 2016.

¹³⁹ Ibid

¹⁴⁰ The CEWS compiles reports which identifies potentially dangerous activity. These reports determine the gravity and consequences of such actions. I argue that even though the CEWS has developed an early warning module to analyse developments on potential conflicts and threats to peace and security in Africa, it fails at its basic mandate because its first of all lacking skillful personnel and secondly its not fully equipped to operate an early warning system. Its failure to communicate effectively with the PSC also puts the peace and security strategy of the AU at great risk.

¹⁴¹ African Peace Militaries: *War, Peace and Democratic Governance*, edited by David J. Francis, Routledge, 20.

¹⁴² Ibid

the creation of the African Capacity for Immediate Response to Crises (ACIRC) – a second response unit.

The rationale for establishing the ACIRC is to provide a militarily capacity to “respond swiftly to emergency situations upon a political” decision “to intervene in conflict situations within the continent.” However, the ACIRC is not fully integrated into the AU system and would seem to be in “competition” with the ASF. The AU is reluctant to get rid of the ASF, but unsure how to integrate the ACIRC and funding two response teams seems a waste of scarce resources. If the ASF could not respond in a timely fashion, what guarantee is there a second response team would either? South Africa’s dominance of the ACIRC is also concerning for states like Nigeria: a political rival of South Africa.¹⁴³ As a result, the ACIRC has not been accepted by all of the African states. Other states, like Ghana, believe that the ACIRC is a waste of scarce resources, time, and that it is a duplication of the ASF because it was not activated during several crises it would have been expected to play a major role in. For example, when the CAR crisis escalated in 2013, the ACIRC was expected by African citizens and the international community to play a major role. Instead, it played next to no role.

Most of the ASF’s inability to perform its duties has been associated with the dependence of African states on external states (such as the US’s Africa Command (AFRICOM)) for logistics and financial assistance.¹⁴⁴ These factors have been highlighted as being important in ensuring the force becomes fully operational, since the success of peace operations depends on their capacity to manage operational logistics to support assigned forces. The AU’s ASF, however, has very limited operational and airlift capabilities and as such relies heavily on external assistance to deploy and sustain AU forces.

To ensure that the ASF is fully operational, each African region is supposed to build a standby force. The West, East, South and Central African regions have established their forces, but the North has not. Even though a regional mechanism, the North African Regional Capability (NARC), has been created to enable North African countries to contribute to the ASF, “constitutional and legal regulations in some member states like Tunisia have caused delays in ratification.”¹⁴⁵ This is because of the “lengthy internal constitutional procedures

¹⁴³ Brosig, Malte D., and Dr Norman Sembijja. 2015. *The Capacity for Immediate Response to Crisis: Advice for African Policymakers*. Policy Insights 22. Pp 1-7.

https://media.africaportal.org/documents/saia_spi_22_Brosig__Simpijja_21050729_MUfwl0k.pdf

¹⁴⁴ *African Peace Militaries: War, Peace and Democratic Governance*, edited by David J. Francis, Routledge, 2017.

¹⁴⁵ AU’s Regional force Still on Standby by the International Institute for Strategic Studies, 2010. (International Institute for Strategic Studies (ISS) 2010)

needed to ratify the Memorandum of Understanding (MOU).”¹⁴⁶ The AU has therefore concluded that the:

NARC region will not be able to achieve full operational capability due to the significant disruptions the ASF project has suffered as a result of the Arab Spring and the ongoing uncertainty in Libya, Egypt and other countries in the region.¹⁴⁷

Without the full cooperation of Northern states, the ASF will not be fully functional.

According to Desmidt, one of the most important challenges of the AU in achieving its objectives is the organisation’s inability to get enough funds for its Peace Fund. This Fund is the foundation on which all AU peace and security activities are built. According to the AU, the Peace Fund attains resources from the AU’s overall budget, contributions from Member States and other sources. Importantly, the entire AU budget contributes just about six¹⁴⁸ percent to the Peace Fund, while Member States contribute less than twenty percent.¹⁴⁹ About eighty-five percent of funds for Africa’s peace and security budget are provided by external sources. The European Union (EU), amongst others, is one of the most prominent contributors. It has contributed so far, more than €1.9 billion.¹⁵⁰ This amount has been contributed through the EU’s African Peace Facility (APF) strategy for the EU and Africa’s Partnership framework program on Peace and Security. The Peace Fund’s total budget is unknown publicly. However according to its policy, member states need to contribute \$400 million US dollars to the Fund before expenditures can begin. Thus, regardless of the total amount received from external sources, member states will have to reach this target to put the Fund to use. Contributions currently sit at about \$284 million US dollars.

Thus, most of the expenses for peace operations in Africa are funded by external sources. Overdependence on external sources for the funding of peace operations and also for the overall management of the APSA poses problems for the effectiveness of the peace and security strategy such that, issues of command, in terms of how and where these resources are used causes conflicts of interests between the AU and its donors. As Desmidt notes, the AU

¹⁴⁶ Peace and Security Council.2010. African Peace and Security Architecture (APSA): 2010 Assessment Study. pp 47. <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3->

¹⁴⁷ Report of the Independent Panel of Experts on assessing the ASF and plan for action for achieving full operational capability by 2015.

¹⁴⁸ Peace and Security Council.2010. African Peace and Security Architecture (APSA): 2010 Assessment Study. <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3->

¹⁴⁹ Desmidt Sophie. 2016. Background Note from ECDPM, on peacebuilding, conflict prevention and conflict monitoring in the African Peace and Security Architecture. <https://ecdpm.org/wp-content/uploads/African-Peace-Security-Architecture-Background-Note-ECDPM-2016.pdf>

¹⁵⁰ Ibid.

compromises its objectives by doing the bidding of donors to keep the flow of resources constant.¹⁵¹

Challenges to Peace Operations Policies Partnerships with the UN

The formation of the AU arguably is a photocopy of the UN with the AU's Peace and Security Council (PSC) considered a mimic of the UN's Security Council. This suggests that the AU has not invented any new structures to tackle the uniqueness of African conflicts as it has only reinvented the wheel. The deliberate exclusion of information concerning the selection process of member states into the PSC prevents researchers from asking meaningful questions about the processes in general and the elections to serve on the PSC are opaque. The same political issues that plague the UNSC, also plague the AU.

The policies of the AU for peace operations have been deeply embedded in its APSA. The determination of the AU to make its peace and security strategies a regional spearhead has faced serious obstacles not just from the internal structure of the organisation, but also from its own member-states. Arguably, the procedures and implementation policies for the successful execution of the AU's objectives are missing, leading one to believe that the AU is just "big talk with no action." This allegation is highly evident in the number of conflicts, political instability, corruption, economic, health, and environmental crises on the continent. There is not enough evidence of successful crisis management or conflict stability to back the AU on the work it claims to be doing. This is disappointing considering the AU has had nearly three decades to adapt and has had the benefit of lessons learned from the UN.

The AU operates on the assumption that it has the mandate to act on behalf of member-states, especially with regards to issues of peace operations. Even though a relative consensus exists in theory regarding the AU's authority to make certain decisions with regards to peace operations on behalf of its member states, in practice, the AU is blocked by some of its member states when performing certain peace operations-related duties.

In this regard, Hofmann and Haftel have argued that AU member-states have not granted sufficient authority to the organisation to engage in effective "preventive diplomacy, and military intervention, when necessary, in time of violent conflicts and humanitarian crisis."¹⁵² Unlike the UN Charter, there is no equivalent articles in the AU Act for AU member

¹⁵¹ Ibid.

¹⁵² Haftel, Yoram Z, and Stephanie C Hofmann. 2017. "Institutional authority and security cooperation within regional economic organizations." *Journal of Peace Research* (Sage) 54 (4): 484-498. Haftel and Hofmann's study focuses on the aspirations of organisations to promote regional peace and stability. They argue that

states to agree and undertake decisions of the PSC. The challenge was evident in 2015 during the political crisis in Burundi. This was the first time the AU, through its PSC, recommended that 5000 African peacekeepers be deployed in Burundi. The obstruction of the Government of Burundi forced the PSC recant its earlier decision in January 2016.¹⁵³ These events in Burundi showcased the inexperience of the AU's peace operations policies, difficulties in the implementation of these policies and perhaps the degree to which the AU lacks the mandate to implement actions, to complement its peace operational activities.

According to Degila and Amegan, before the AU can have the ability or possibly the full authority to manage and carry out any peace operation mission, there's the need for the organisation to remove obstacles to economic development on the continent.¹⁵⁴ This is especially due to the heavy financial dependence of most states in Africa and the AU on external powers. The AU lacks the autonomy to implement its peace operations policies mainly, because many external actors are involved in peace operations and peace building plans in the area. Even though AU alliances with external players have provided some good results in the implementation of its peace operational policies and are in theory globally seen as an advantage for the AU, they however often hide some of the undesirable effects, and especially the AU's dependence on these external players for financial assistance. This situation has caused complex relationships between the AU and its external partners and has gone a long way to compromise the former's original policies for the implementation of peace operations.¹⁵⁵ In Somalia in 2016 and 2018, the AU Mission in Somalia (AMISOM) saw a cut in funding by twenty percent at a time when it was in a deadly battle with Al Shabab – a terrorist organisation. The European Union's decision to reduce the funding it had been providing the AU since 2007 for the AU Mission in Somalia (AMISOM) reveals the extent to which the AU lacked power, because it depended mostly on external powers to provide the financial resources

since the purposes and design of the security components of these organisations are diverse, those that enjoy greater delegated authority are in a better position to expand their mandate into the realm of security and have far more successful peace operations.

¹⁵³ Degila, Dêlidji Eric and Charles K (eds.) Amegan. 2019 "The African Peace and Security Architecture: An African Response to Regional Peace and Security Challenges." In *The Palgrave Handbook of Global Approaches to Peace*, by Aigul Kulnazarova and Veesselin Popovski. Geneva: Palgrave Macmillan

¹⁵⁴ Ibid

¹⁵⁵ Degila, Dêlidji Eric and Charles K Amegan. 2019 "The African Peace and Security Architecture: An African Response to Regional Peace and Security Challenges." In *The Palgrave Handbook of Global Approaches to Peace*, edited by Aigul Kulnazarova and Veesselin Popovski. New York: Palgrave Macmillan

to implement its own policies for peace in its home region.¹⁵⁶ In this regard, the AU also lacks the ability to provide oversight on the financial and operational aspects of the organisation.

The execution of certain aspects of peace operational policies in terms of interpreting terminologies and how to implement them is problematic. For example, the AU finds it difficult interpreting certain terminologies like intervention and non-intervention and most often finds difficulty analysing when to undertake an intervention or non-intervention role when responding to areas in crisis. The legal principles and normative basis for intervention makes it difficult for the AU to consider choices between intervention and non-intervention. Some legal principles and norms like state sovereignty, recognition of individual states as primary security providers, non-escalation of political conflicts especially between governments and the opposition, “threats to regional peace and security, geopolitical problems” and others influence an AU’s decision to play non-intervention roles when member states experience crisis. An example of the AU’s non-intervention role is when it failed to resolve the 2015 new crisis that erupted from the 2003 crisis in Burundi, such that the sanctions and peacekeeping mission proposed to resolve the conflict never materialised.¹⁵⁷ Eight peace operations has been deployed by the AU since its launch¹⁵⁸ independently of joint or hybrid missions with the UN.

The regional structures (such as ECOWAS) are considered a part of the larger umbrella of the AU and are grouped according to their geographical location. Thus, peace operations initiated or commanded by regional organisations are generally considered “AU missions” in theory. But in practice, these missions are initiated, funded, and operated by these regional organisations and to an extent, individual states (such as the French military). In theory, the AU is “to provide strategic- political direction and authority, via mandates from the PSC to coordinate international backing, ensure financial contributions, and provide technical support for the multinational headquarters”, especially with regards to peace operations. In practice, it has failed to provide a well-balanced system to support these organisations during peace

¹⁵⁶ The sections on partnerships between the AU and the UN, as well as that on case studies will give a detailed analysis of the challenges the AU faces when partnering with other organisations to ensure peace on the continent.

¹⁵⁷ International Refugee Rights Initiative. 2017. *From Non-Interference to Non-Indifference: The African Union and the Responsibility to Protect*. Accessed June 25, 2021. <https://reliefweb.int/report/world/non-interference-non-indifference-african-union-and-responsibility-protect>

¹⁵⁸ These eight peace operations include Burundi (AMIB), the Central African Republic (MISCA), the Comoros (AMISEC and MAES), Mali (AFISMA), Somalia (AMISOM) and Sudan (AMIS I and II). I argue that even though these missions are dubbed AU-led missions most were initiated and operated by regional organisations with little or no help at all from the AU. And those that were not initiated by regional organisations were heavily funded by other external organisations questioning the AU’s full commitment in these missions and the probability of succeeding without regional organisations, individual states and other external organisations.

operations. In this regard, perhaps it is premature to conclude and call these missions “AU-led missions” since the AU provided a mandate without financial resources relative to the wide range of criteria needed to be considered to ensure a mission is successfully initiated. This issue coupled with the fact that the AU depends on external organisations to fund its peace operations, questions the legitimate claim to regard these peace operations as AU-led missions.

Partnerships in peace operations in recent times is considered the holy grail necessary for resolving conflicts and expediting the attainment of perpetual peace in Africa. This is mainly because partnerships give organisations the chance to share resources in human, financial and operational capacities. Beyond the advantage of burden sharing, it brings about “a strategic dimension to conflict management that traditional peace operations did not possess.”¹⁵⁹ An all-inclusive strategic approach provides effectiveness and coherence to conflict management policies by seeking to bring several actors together to ensure their coordination. Also, partnerships enable actors in conflict management to undertake broader policies through components that can automatically work within an existing framework, making it possible for operations to engage in interinstitutional cooperation.

There is no doubt that the AU encounters several challenges in partnering with the UN during peace operations. Williams and Boutellis argue that there is a generic problem faced by multi-faceted institutions like the AU in an attempt to develop cooperative frameworks.¹⁶⁰ They argue that any agreement made by these institutions on “general principles” do not inevitably guarantee “consensus on how to act in particular crises”. But it only “attempts to perfect and institutionalise collaborative mechanisms between the AU and UN run the risk of creating inflexible structures.”¹⁶¹ As a result, these collaborative mechanisms “become redundant when powerful actors feel constrained and work around them to change the situation on the ground.”¹⁶²

Some African states have argued, however, that even in partnership, the UN does not respect the AU. Most African states believe that when the UN takes the leading role in partnership with the AU, it disregards the views of the AU in maintaining peace and security. Kenyan Foreign Minister Moses Wetangula during the UN Security Council debate on cooperation between the UN and regional organisations in maintaining peace and security

¹⁵⁹ Thierry, Tardy. “Hybrid Peace Operations: Rationale and challenges” *Global Governance*, Vol. 20, No. 1, 2014. pp. 95-118, www.jstor.org/stable/24526183

¹⁶⁰ Williams, Paul D., and Arthur Boutellis. 2014. “Partnership Peacekeeping Challenges and Opportunities in the United Nations – African Union Relationship.” *African Affairs* 254-278

¹⁶¹ Ibid

¹⁶² Ibid

argued; “The practice in the past two years seems to indicate an undesirable trend that appears to be selective on the part of the Security Council that seems to disregard full consideration of the position and/or the recommendations of the AU or its organs.”¹⁶³

This has also led to conflicting views on peace operations between the AU and the UN. One may argue these conflicting views have certain advantages such that it allows the AU “to undertake higher-risk peace enforcement tasks as opposed to the UN’s more cautious approach which takes time to implement.”¹⁶⁴ The AU’s philosophy of “peace support operations” is also considerably different from that of the UN. The AU intends “to address the entire spectrum of conflict management challenges,” whereas the UN’s focus is much narrower in supporting existing ceasefires and peace agreements.¹⁶⁵

Unlike the UN, the AU has developed a peace operation doctrine with an emphasis on establishing peace before keeping it, instead of waiting for a peace to keep.¹⁶⁶ As a result doctrinal difference between the AU and the UN, as evident in the case¹⁶⁷ of Somalia (AMISOM), have given “rise to divergent notions of the purpose, configuration, and force requirements for peace operations.”¹⁶⁸ One significant divergence surrounds the issue of which entity can legitimately or legally authorise ‘humanitarian military intervention’ in Africa¹⁶⁹ like the AU concluded in occurrences in Somalia when the EU cut its funding to AMISOM.

According to De Coning, the AU faces various challenges at different levels when engaging in partnerships with the UN. The AU’s relationship with the UN has gradually shifted from a donor-recipient relationship to a functioning strategic partnership.¹⁷⁰ A strategic “partnership agreement between the AU and the UN was signed in 2017 to symbolise a division of work. In the spirit of partnerships, the UN is good at implementing peace agreements and consolidating peace processes but not well suited for enforcement actions. The AU on the other hand has demonstrated that it is willing and able to undertake stabilisation and counter-terrorism operations but lacks the broad sets of capacities necessary to implement

¹⁶³ See UN Security Council proceedings, S/PV.6702, 12 January 2012, pp. 9-10.

¹⁶⁴ Williams, Paul D., and Arthur Boutellis. 2014. “Partnership Peacekeeping Challenges and Opportunities in the United Nations – African Union Relationship.” *African Affairs* 254-278

¹⁶⁵ Ibid

¹⁶⁶ PSC/PR/2. (CCCVII), 9 January 2012, para.71.

¹⁶⁷ The AU and the UN have both engaged in peacekeeping operations in Somalia. The AU acted immediately when the crisis broke in Somalia, but the UN did not.

¹⁶⁸ Williams, Paul D., and Arthur Boutellis. 2014. “Partnership Peacekeeping Challenges and Opportunities in the United Nations – African Union Relationship.” *African Affairs* 254-278

¹⁶⁹ I define humanitarian military intervention as the use of military force by external actors, without host state consent, aimed at preventing or ending genocide and mass atrocities.

¹⁷⁰ Coning argues that the AU has consciously made the effort and succeeded in changing the narrative regarding its relationship with the UN in relation to peace operations.

comprehensive peace agreements.”¹⁷¹ Thus, in this regard, the AU and UN complement each other and as such “have mutually reinforcing capabilities that serve as a basis for a strategic partnership”. Yet, at the operational level, the AU and UN have their individual strategies informing how best to execute peace operations in conflicted areas, making it difficult for these two organisations to coordinate effectively at all levels.

Even though efforts have been made by the AU and the UN to bridge the gap at the operational level by meeting regularly, the meetings have yet to deliver specific outcomes like “joint assessments, shared analysis, joint planning, AU-UN inter-mission coordination and cooperation, mission support, best practices, joint evaluations and joint standard operating procedures for transitions between AU and UN operations.”¹⁷² At the strategic level, the AU and UN have different implementing procedures, which affects the “coherence between the approaches of the UN Security Council and the AU’s PSC on the many conflicts that are on their mutual agenda.”¹⁷³

One serious challenge identified by many researchers is the capacity of the AU to support its own operations. De Coning argues that the “AU lacks a mission support concept, and the staff, personnel, systems, and resources necessary to implement such a concept”. Even though the AU has a refined APSA, it has relied on the support of the UN to “develop a mission support policy”. According to De Coning, the AU will need some years to be able to advance and improve its own missions support capacity.¹⁷⁴

A strategy for resolving the challenges faced by the AU, especially in terms of capacity and the ability to attain its objectives will go a long way to actualise the AU’s objectives of ensuring peace and security on the African continent, through peace operations. To have a higher chance of ensuring peace and security on the African continent through partnership peace operations, the AU needs to make major shifts in its strategies. First of all, the AU needs to acknowledge the fact that the process of creating ambitious strategies without having the resources to execute these strategies is a big challenge which undermines its credibility. Perhaps, a more realistic strategy for peace and security would enable the AU to map out the best strategies to the resources available. This might enable the AU tackle peace and security in Africa according to the resources available, which will also outline clearly what the AU is bringing to the table during partnerships. This will help solve the donor-recipient problem the

¹⁷¹ See De Coning in *United Nations Peace Operations*. Palgrave Macmillan. 2019, pp 238-344.

¹⁷² See De Coning in *United Nations Peace Operations*. Palgrave Macmillan. 2019, pp 238-344.

¹⁷³ Ibid

¹⁷⁴ Ibid

AU is constantly accused of, and also inform potential organisations who plan to work with the AU that both parties are equal enduring partners.

It is also important that moving forward, the AU finds the means to maintain its personnel to prevent the loss of highly trained personnel to other organisations like the UN. Records show that most of the AU's personnel uses the AU as gateway to larger organisations. As a result, the AU is considered a breeding ground, used to train individuals to make them more suitable for larger organisations like the UN. This situation also adds up to the unresolved problems of people working in silos which prevents the organisation from coordinating on all levels especially with regards to what happens in the field during peace operations, making it difficult for the AU to run a successful partnership peace operation due to inconsistencies in the execution of its overall strategies.

The AU's APSA is a strategy specifically designed to ensure peace and stability on the African continent. In theory, the strategy provides a clear roadmap for the AU on how to achieve the objectives for the strategy, but this is not the case in practice. As the next chapter shows, the AU has been unable to implement this strategy mainly because of a lack of operational capability. The DRC as a case study shows the near absence of the AU in Africa and its reliance on regional and international organisations to ensure peace and stability on Africa. One may argue that the AU keeps an ambitious APSA strategy in theory for the benefit of its donors.

Chapter III: The Democratic Republic of Congo- a Case Study

After over a decade of political instability, economic regression, social injustices, and violence, the Democratic Republic of Congo (DRC) has arguably made no progress in attaining peace and political stability. One may have thought that all the efforts by international organisations, countries and other concerned agencies to restore peace in the region should have manifested by now. Unfortunately, this has not been the case. Consequently, it is almost as if the DRC is a real-life cliché, a continuous hiccup and an afterthought in international affairs. The UN has been tied to instability in the DRC since the beginning; the AU is now inextricably tied to its fate.

There have been, however, several signs of promise to suggest the DRC is attaining some stability, although the regions of Ituri and Kivu in the northeast of the country are still plagued by unspeakable violence. According to the April 2020 UN Secretary-General report, the DRC has made tremendous efforts to ensure lasting peace, stability¹⁷⁵ and development, through its Peace, Stability and Cooperation (PSC) Framework.¹⁷⁶ Some of these political efforts have been diplomatic and have since seen the head of states of the DRC, Angola, Rwanda and Uganda come together to work towards relaxing tensions, addressing differences and strengthening relations among themselves.¹⁷⁷ Some diplomatic efforts have been in the form of signing memoranda and treaties. The highlight of these in the DRC is, perhaps, the release and exchanges of detained Rwandan and Ugandan nationals. Other positive developments include the DRC's program aimed at tackling corruption, restructuring social and cultural problems, as well as improving access to health care and education.¹⁷⁸ According to Sylvestre Ilunga Ilunkamba, the Prime Minister of the DRC, an allocation of additional

¹⁷⁵For more details see, UN Secretary General report. *Implementation of the Peace, Security and Cooperation Framework for the DRC and the Region*. 3 April 2020, S/2020/272. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/073/67/PDF/N2007367.pdf?OpenElement>

¹⁷⁶ The Peace Security and Cooperation Framework, which was set-up in 2013, sees the DRC come together with some twelve governments in sub-Saharan Africa, (Angola, Burundi, the Central African Republic, the Congo, Kenya, Rwanda, South Africa, South Sudan, the Sudan, Uganda, Tanzania and Zambia) including four intergovernmental organisations (the African Union, the international Conference of the Great Lakes Region, the Southern African Development Community and the United Nations) acting as witnesses of the Framework to address the underlying causes of the recurrent violent conflict in the eastern part of the DRC. Some of these countries remain important actors of the framework because they contribute largely to the instability and violence in the DRC. The framework consequently calls for the establishment of benchmarks and indicators to monitor progress in the DRC.

¹⁷⁷ For more details see, UN Secretary General report. *Implementation of the Peace, Security and Cooperation Framework for the DRC and the Region*. 3 April 2020, S/2020/272. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/073/67/PDF/N2007367.pdf?OpenElement>

¹⁷⁸ For more details see, UN Secretary General report. *Implementation of the Peace, Security and Cooperation Framework for the DRC and the Region*. 3 April 2020, S/2020/272. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/073/67/PDF/N2007367.pdf?OpenElement>

resources to the security and defence forces will strengthen the efficiency of the DRC in the fight to promote peace and stability.¹⁷⁹

The Congolese police force, however, has been associated with many forms of human rights abuses against the Congolese people, especially women.¹⁸⁰ As such, providing additional resources to the security and defence forces may be a problem in disguise because these forces will have access to more power and resources to keep violating the rights of the Congolese people. In addition, the security and defence force are at the beck and call of the President of the DRC who is the Commander-in-Chief of the DRC. Thus, providing additional resources to the force not only makes the President more powerful, but also gives him the opportunity to utilise these resources for personal political gains. This observation is based on the interpretations of some researchers about the recent Congo election.¹⁸¹

The DRC, after many years, held elections on 30 December 2018 that supposedly ‘democratically’ elected Félix Tshisekedi as head of state. Some researchers argue that the results of the general elections held on December 30, 2018, were rigged to favour Félix Tshisekedi, because of his close relationship with Joseph Kabila, the outgoing President (who has been in power for 18 years). After violating term limits and staying in office for eighteen years, Kabila stepped down in January 2019. According to the *Washington Post*, the supposedly free and fair election was corrupted by irregularities.¹⁸² An analysis of two voting databases obtained by the *Financial Times* from Congo’s independent national electoral commission suggests that Martin Fayulu won 59.4 percent of the vote, with Mr. Tshisekedi coming second with a total of 19 percent.¹⁸³ According to Jason Stearns, the head of a Congo-focused think tank in New York; “The genius of it is that they rigged it in favour of an opposition candidate who they could co-opt.”¹⁸⁴ With the questionable election of Tshisekedi, Kabila, who has attained the status of “senator for life” and is regarded the “moral authority” of his political party, will likely continue to play a major role in Congolese politics by making most of the DRC’s major decisions behind the scenes. As such, the DRC will arguably be prone to further conflicts, tension and instability with Kabila operating behind the scenes. Although

¹⁷⁹ Ibid

¹⁸⁰ Human Rights Watch. 2014. *Human Rights Watch*. June 10. Accessed June 17, 2021.

<https://www.hrw.org/news/2014/06/10/democratic-republic-congo-ending-impunity-sexual-violence>

¹⁸¹ Gramer Robbie and Jefcoate O’Donnel. 2019. “How Washington Got on Board with Congo’s Rigged Election”. *Foreign Policy*. Accessed on 5 August 2021. <https://foreignpolicy.com/2019/02/01/how-washington-got-on-board-with-congos-rigged-election-drc-tshisekedi-kabila-great-lakes/>

¹⁸² For more details see; Bearak, Max. 2019. *The Washington Post*. January 24. Accessed September 15, 2020.

¹⁸³ For more details see; Wilson, Tom, David Blood and David Pilling. 2019. *Financial Times*. January 15. Accessed September 15, 2019.

¹⁸⁴ For more details see; Bearak, Max. 2019. *The Washington Post*. January 24. Accessed September 15, 2020.

the April 2020 report by the UN-Secretary General suggests the DRC is making tremendous progress towards attaining peace and political stability, the actual occurrence on the ground suggests that the nation is far from realising these goals.

The security situation in the DRC remains fragile due to the number of conflicts in the eastern provinces of the country. One primary reason for the continuous conflicts in the region is the active representation of various armed groups like the Allied Democratic Forces (ADF).¹⁸⁵ Due to this reason, António Guterres, the UN's Secretary General, advises that retaliatory attacks by armed groups like the ADF in North and South Kivu have remained a driving force for the instability accounted in the state. Tensions between neighbouring countries, such as between Burundi and Rwanda,¹⁸⁶ also appear to be a recipe for conflict. Considering the spill-over of conflicts from neighbouring countries a root cause for the recurrent conflicts in the DRC, it is telling that most of the recent activities in the region today are a repeat of what happened in the country, right after the Cold War which eventually led the country to destruction.¹⁸⁷

Related to political instability, there are also constant humanitarian, health, and economic challenges. The DRC is reported to have more than one hundred armed groups in the country. According to the Center for Preventive Action, "these groups continue to terrorise communities and control weakly governed areas."¹⁸⁸ Due to their presence, there have been records of massive human right violations, poverty, and the displacement of a majority of the population. According to the office of the United Nations High Commissioner for Refugees (UNHCR) this is an emergency,¹⁸⁹ which "exhibits a complex and challenging humanitarian

¹⁸⁵ ADF is a rebel group in the DRC and Uganda. The UNSC in 2013 estimated its strength to be between 1,300 to 1,500 armed fighters located in the North Kivu province in the DRC. Other rebel groups present in the region includes the Movement du 23 Mars (M23), Forces de Resistance Patriotique de Ituri (FARDC), Coopérative pour le developement du Congo (CODECO) and the Mai-Mai.

¹⁸⁶ For more details see, UN Secretary General report. *Implementation of the Peace, Security and Cooperation Framework for the DRC and the Region*. 3 April 2020, S/2020/272. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/073/67/PDF/N2007367.pdf?OpenElement>

¹⁸⁷ Post-Cold War, the DRC experienced many conflicts and instability. One of the root causes of conflicts in the DRC around 1994 was the spill-over of conflicts from neighbouring countries like Rwanda and Uganda into the state. These spillovers contributed to the political instability of the state. In 2020, we witnessed tensions between neighbouring countries like Burundi and Rwanda which if not taken care of, could eventually spill-over into the DRC to create further instability.

¹⁸⁸ For more details see; II, Reuben Brigety, Campbell, John, Frazer, Jendayi. 2020. *Council for Foreign Relations*. September 16. Accessed September 16, 2020. <https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo>

¹⁸⁹ On the Global Conflict Tracker website, the conflict situation in the DRC is said to be caused by political instability, with the conflict status branded as unchanging. The

situation, with multiple conflicts affecting several parts of its vast territory.”¹⁹⁰ The control of precious resources like coltan in the Kivu region and the role of external powers and major corporations in destabilising the region as well as militias and neighbouring states involved in the land grab contributes to the conflicts. Chaos is good for business. It is estimated that about five million people have been displaced inside the DRC between October 2017 and September 2019.¹⁹¹

All of these issues, coupled with the ongoing health and economic crises demonstrate that the strategies adopted by governments, international organisations and all other concerned agencies are not enough. Despite the reports of progress by some international organisations like the UN, the DRC is far from attaining political, economic, and social stability.

As noted above, one of the major reasons for the never-ending instability in the DRC is due to neighbouring countries. As such, any analysis of the situation in the DRC must also consider the key regional actors - Angola, Burundi, Central African Republic, Congo, Rwanda, Uganda, South Sudan, and Tanzania. Of these, Congo, Rwanda, Uganda, and South Sudan deserve greater attention.

This chapter examines the core peace and stability activities of the UN and AU in ensuring peace and stability in the DRC. The first section provides a background to the conflicts in the DRC. The second and third sections examine the individual activities of both organisations in ensuring peace and stability in the DRC, and the activities they engaged in together as partners. This case study demonstrates that there are still challenges and that the UN and AU are still uncomfortable partners in peace support. The concluding paragraph will look at some of specific issues that prevent collaboration.

Background to the Situation in the DRC

Since the Cold War, the DRC has experienced recurrent conflict and violence, largely as a function of internal political instability. During the Cold War, the DRC was the first case of the UNSC authorising the use of force. ONUC’s first mandate was to secure the removal of Belgian forces from the Republic of the Congo, to aid the Government in the maintenance of law and order and to provide technical assistance. The function of ONUC was subsequently modified to include “maintaining the territorial integrity and political independence of the

¹⁹⁰ For more details see; UNHCR. 2020. United Nations High Commissioner for Refugee. March 15. Accessed September 16, 2020. <https://www.unhcr.org/en-us/dr-congo-emergency.html>.

¹⁹¹ Ibid

Congo, preventing the occurrence of civil war, and securing the removal from the Congo of all foreign military, paramilitary, and advisory personnel not under the United Nations Command, and all mercenaries”¹⁹².

To implement its mandate, UNUC was authorised to use force, if necessary. The Council’s resolution 161 (1961) of 21 February 1961, advised that the United Nations “take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for ceasefire, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort.”¹⁹³ The Council’s resolution 169 (1961) of 24 November 1961, also authorised the Secretary-General “to take vigorous action, including the use of the requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and paramilitary personnel and political advisers not under United Nations Command, and mercenaries”.¹⁹⁴

Violence and instability continued post-Cold War.¹⁹⁵ According to Reyntjens, the post-Cold War international environment allowed aid donors to impose conditional policies to convince African states to shift from their traditional governance to embrace democracy, respect for human rights and good governance.¹⁹⁶ Countries like the DRC resisted these changes, because they undermined the position of their existing regimes. The decision of the DRC to undermine and resist these policies, led donors like the World Bank to stop aid delivery in the early 1990s¹⁹⁷ which contributed to destroying the economy and increasing poverty which brought about massive instability.

The first major event leading to current political instability in the DRC was the genocide of the Rwandan Tutsi and moderate Hutus in 1994.¹⁹⁸ Organised by a Hutu-dominated government, the genocide led to the massacre of thousands of people from the minority Tutsi population. The immediate cause of the genocide was a result of the shooting down of the plane

¹⁹² UNSC. 161 (1961). *Resolution of 21 February 1961*. [S/4741]. Accessed on 5 August 2021.

¹⁹³ Ibid

¹⁹⁴ UNSC. 169 (1961). *Resolution of 24 November 1961*. [S/5002] Accessed on 5 August 2021.

<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/171/76/PDF/NR017176.pdf?OpenElement>

¹⁹⁵ For more details see; Reyntjens, Filip. *The Great African War: Congo and Regional Geopolitics, 1996-2006*, 1-319. Cambridge: Cambridge University Press.

¹⁹⁶ Ibid

¹⁹⁷ Ibid

¹⁹⁸ For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. “The Democratic Republic of Congo, 1996-2003.” *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

of then Rwandan President, Juvenal Habyarimana.¹⁹⁹ Even though the plane incident provided the spark, years of ethnic tensions, disagreements and animosity between the majority Hutus and minority Tutsis inexplicably led to the genocide. The emergence of a Tutsi-led group, the Rwandan Patriotic Front (RPF) which eventually overthrew the Rwandan Hutu government, brought an end to the ethnic cleansing of Tutsis by Hutus and saw the expulsion of about two million Hutus as refugees into the eastern parts of the DRC. As a form of retaliation and an effort to reclaim power in Rwanda, these Hutu refugee camps spawned the “Interahamwe” (meaning those who attack together) rebels and attacked Rwandan and Congolese Tutsis in the DRC. These events, coupled with RPF soldiers following refugees into the DRC, with the aim of finding the militia who carried out the genocide in Rwanda caused a spill-over of the genocide from Rwanda into the DRC.²⁰⁰ An uprising led by the Congolese Tutsis to force Rwandans out of the Congo, eventually led to the First Congo War.

The first cause of action to support Rwanda came from neighbouring countries when Paul Kagame a Tutsi, led a force of about 10,000 – 14,000 soldiers against Hutu forces in the DRC who had perpetrated the genocide. In response to the insurrection by the then Hutu government in Rwanda, the Mobutu Sese Seko led Zaire government, now the DRC, roughly at the same time, together with the Tutsi-led Rwandan government and its Ugandan allies began sending aid to the Congolese Tutsis, with the hope of starting a rebellion against the Hutus in the DRC. Paul Kagame and his government however feared that Mobutu Sese Seko was not taking enough action to stop the attacks being perpetrated by the Hutus who had fled to the DRC. To this effect, Kagame joined forces with rebels in the DRC who sought to oust Mobutu. Aside from dealing with the destabilisation of the eastern parts of the DRC due to the Rwandan genocide, Mobutu was also dealing with unresolved regional conflicts and resentments left after the Congo Crisis.²⁰¹ To this effect, many of the Congolese people, who were mostly Tutsis, did not side with Mobutu in his dealings to resolve the aftermaths of the Congo Crisis. This led to the formation of many groups some of which were Tutsis who were not in support of Mobutu’s corrupt regime. The Alliance of Democratic Forces for the Liberation of Congo (AFDL) was a Tutsi movement formed against Mobutu which feared persecution from his government. The AFDL was later joined and led by a rebel, Laurent

¹⁹⁹ For more details see; Reyntjens, Filip. *The Great African War: Congo and Regional Geopolitics, 1996-2006*, 1-319. Cambridge: Cambridge University Press.

²⁰⁰ For more details see; Alexis Arieff. *Democratic Republic of Congo: Background and U.S. Relations*. Updated April 30, 2019. Congressional Research Service.

²⁰¹ The Congo Crisis embodies a series of political instability and conflicts due to issues such as federalism, tribalism and ethnic nationalism which emerged after the end of colonial rule in the Zaire (DRC)

Kabila, who before the first Congo War had established a small Marxist state in the rocky borders of Burundi and Rwanda. In 1996, the Tutsi militias and the AFDL finally engaged in a war with the Congolese (then Zaire) soldiers, starting the First Congo War.

Due to the poor organisation of Mobutu's forces, poor infrastructure and very little influence in the east, the rebels were able to capture most of the border regions by the end of the year. They however stopped their advance and destroyed refugee camps believed to have housed many of the Hutu genocidaires from Rwanda. Mobutu's strategy to hire mercenaries to fight the war caused Kagame, leader of the RPF in Rwanda at the time to worry about a potential counterattack. Kagame's concerns were curtailed when Angola offered its support, and the AFDL resumed its move towards Kinshasa in early 1997. While Kagame's forces were in the DRC to battle Hutu forces to stop the attacks being perpetuated, they intervened in the rebellion taking place against Mobutu by supporting Kabila. Kabila's rebels with the help of Kagame's forces took over the capital, with Kabila taking over from Mobutu as leader of the state in September 1997. The AFDL seized the capital, Kinshasa, in 1997 and renamed the country (Zaire) Democratic Republic of Congo.

A year after the installation of the AFDL, in 1998, an uprising against the government of Laurent D. Kabila broke out in the two provinces of Kivu, leading to the second Congo War. A few weeks later, the rebels occupied a large part of the country. Angola, Namibia, Chad, and Zimbabwe offered military support to President Kabila, but the rebels retained their hold over the eastern provinces. Rwanda and Uganda reinforced the rebel movement, the *Rassemblement congolais pour la democratie (RCD)*. Even though the new government tried to maintain stability in the DRC, the eastern parts of the state continued to be an unstable war zone. Kabila after receiving support from Rwanda and Uganda turned on his previous allies and allowed Hutu armies to regroup in the eastern part of the DRC. This move caused a joint attack by Rwanda and Uganda against Kabila and consequently marked the beginning of the Second Congo War. For the next four years, Congolese government forces supported by Angola, Namibia and Zimbabwe engaged in a war against rebel soldiers, who were undoubtedly backed by Uganda and Rwanda.

Analytically, Kabila's government proved to be like Mobutu's government, mainly because factors leading to the First Congo War remained. Problems expected to be solved under his government worsened or at the least, persisted. Just like Mobutu's government, corruption persisted, ethical tensions heightened, violence continued with neighbouring

countries interfering into the affairs of the state. It is also worth noting that parties involved in the Second Congo War focused on gaining access to the mineral resources within the country. The fight to gain access to Congo's gold, diamonds, tin, ivory and coltan eventually extended the war, especially in the eastern areas.

In 1999, efforts were made by the major parties involved in the war to reach an agreement during the Lusaka peace conference. However, the effort to ensure a ceasefire failed, because some major actors in the war were not present at the conference to engage in negotiations, and others refused to sign the peace agreement.²⁰²

Lusaka was followed by the Pretoria Peace Talks in 2003. While some researchers believe the Second Congo War officially ended after these talks, the emergence of a Third Congo War indicates otherwise and shows that both the Lusaka agreement and Pretoria Peace Talks were only a failed attempt to end the Second Congo War.²⁰³ Similar to Lusaka, Pretoria involved some, but not all the parties involved in the war. The effects of the neglect of some major actors during the Pretoria peace talks continued to manifest themselves in the eastern part of the DRC, with rebel and other ethnic groups continuing the violence. In the mist of the chaos, Joseph Kabila took over the role of presidency after his father was assassinated in 2001. Theoretically Kabila appeared to be more democratic compared to his father. In practice, he had no regard for democracy and stayed in power for more than a decade, as the violence continued.

The Third Congo War which is ongoing and can be considered the longest Congo War, started in 2004 and is the outcome of continued violence and disruption even after the Lusaka agreement and Pretoria Peace Talks. After the Lusaka Agreement and the Pretoria Peace Talks it was anticipated by both the local and international community that the DRC would experience some peace, for a long period of time. There was arguably little violence experienced along the cease-fire lines outlined in the Lusaka Agreement – Kinshasa-controlled and rebel-controlled areas.²⁰⁴ Despite this anticipation, there were massive records of violence and instability.

²⁰² For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. "The Democratic Republic of Congo, 1996-2003." *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

²⁰³ Ibid

²⁰⁴ For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. "The Democratic Republic of Congo, 1996-2003." *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

Throughout this extended period of violence and war, regional and international organisations, specifically the AU and UN undertook several political and diplomatic efforts to end the recurrent conflict in the DRC. These efforts have relatively been consistent. Even so, there has been no effective results first of all to end the war and secondly to abide by repeated pledges for accountability for the war crimes and crimes against humanity repeatedly committed in the state.²⁰⁵

Conflict Stabilisation; The UN and the AU in the DRC - Theory versus Practice

The reasoning for organisations like the UN and the AU to engage in operations to ensure peace in the DRC is twofold. First, countries involved in a conflict cannot come together to ensure peace without the intervention of a neutral third party. Without an external intermediary, peace may be attained but only for a short period of time. Second, organisations like the UN and the AU have over a period of time attained legitimacy and power to place themselves in conflicts to help neutralise the situation.

Scholars like Carayannis and Weiss argue that a state in conflict as a result of spillovers from its neighbours can only attain peace if a neutral party spearheads the roadmap to attaining peace in that state, and this is certainly the paradigm of the DRC. In this case, some nine neighbouring countries are involved in the conflict, with multiple interlocking wars involving several other states, (intrastate and inter-state) and armed groups. This means, some “backyard operations”²⁰⁶ and peace talks will only prolong the wars. Evident is the Lusaka and the Pretoria peace agreements which only allowed for a short period of conflict stabilisation in the DRC. Therefore, rather than expecting these states to come together to ensure peace, other organisations must step-in to ensure that an agreement is reached to satisfy all the parties involved. These arguments among others fuel the reasoning for the UN and AU’s involvement in ensuring peace and stability in the DRC.

The First Congo War was a result of the invasion of Rwandan genocidaires into the Congo. There have been several allegations levelled against the UN and the AU in contributing to the situation in the DRC. The first is failure of the UN and AU to immediately intervene during the first war, which was undoubtedly marked by the invasion of Rwandan genocidaires,

²⁰⁵ For more details see; For more details see: B. Ross, D. Scott and R. Schwartz, ‘U.N. Sex Crimes in Congo’, ABC News, 10 February 2005, accessed 24 November 2020.

<https://abcnews.go.com/Blotter/UnitedNations/story?id=489306&page=1>

²⁰⁶ For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. “The Democratic Republic of Congo, 1996-2003.” *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

in the Congo. As the wave of political instability hit the DRC, the international and regional community stayed silent. They were politically concerned in other areas than with the war itself. Contrary to some views, their primary concern at the time was the removal of Mobutu as leader of the Congolese people. The UN and the AU did almost nothing to intervene in this war because they sided with the invading forces and shared the sentiments of the Congolese people that, Mobutu had to go.²⁰⁷ Perhaps, had both organisations focused on working to end the war, and immediately recognised that the presence of Rwandan genocidaires in the Congo had caused the political instability in the state, the recurrent conflict in the DRC could have been avoided.

The second allegation is that the UN and the AU focused entirely on the humanitarian crisis emerging from the war.²⁰⁸ By not coming to the aid of the Tutsi people when the genocide took traction, both organisations showed no interest in the emerging events in the region. It is also alarming how the UN and the AU allowed the genocidaires to settle in the DRC and later came to their aid, by regarding them as refugees. This is the exact opposite of what happened in Rwanda. It is almost as if the UN and the AU choose the crisis they want to intervene in; one that would benefit the image of the organisation and not the state in crisis. The Security Council, however, after a massive backlash, finally decided to do something about the presence of foreign troops in the DRC. This included a resolution set to have a multinational force intervene with the aim of disarming the invading forces in the country. Despite calls by public opinion and other international organisations to deploy the mission, this multinational force was never even deployed.²⁰⁹

The UN and AU were more focused on the humanitarian issues that the first war brought to the Congo. They were least concerned about the political and economic issues arising from the war. Had they paid attention to other emerging issues, it would have been evident that Kabila's ex-allies (Rwanda and Uganda) wanted him out of power because he had not produced the results they wanted and as a result, led them to initiate a second war in the Congo. Rwanda, Uganda and Angola have always had an interest in the Congo because of the vast number of natural resources found in the region.²¹⁰ These countries supported Kabila and

²⁰⁷Ibid

²⁰⁸ Ibid

²⁰⁹For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. "The Democratic Republic of Congo, 1996-2003." *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

²¹⁰ For more details see; Kibasomba, Roger and Thadee B. Lombe. 2011. "Obstacles to Post-Election Peace in Eastern Democratic Republic of Congo: Actors, Interests and Strategies." *In Understanding Obstacles to Peace:*

helped put him in power because they needed him to neutralise the insurgency groups threatening them from the DRC,²¹¹ and preventing them from looting the country's natural resources. The UN did little to nothing to stabilise the situation in the DRC even during the second war. The AU (OAU at the time) between the first and second Congo wars had undertaken 23 failed peace meetings aimed at bringing an end to the war. The inaction of the UN and the failure of the AU to broker peace agreements between the war's various actors caused other groups within the region to mediate not as peace negotiators, but "as allies of one of the parties in the conflict, with the aim of influencing the outcome of the war."²¹² This move further incited the conflicts as it became clear that individual countries could not agree on terms to save one of their own.

Seeing the UN's indifference and failure to secure troops from member states and the AU's institutional weakness and fiscal constraints, other regional groups came together to broker the Lusaka Peace Agreement. This agreement marked a milestone because first of all, it was initiated by individual African countries and other regional organisations. Second, the Agreement's initiators acknowledged the fact that the implementation of the agreement needed to be undertaken by a neutral party causing them to outline specifically what needed to be done to bring about peace. After the Lusaka Agreement had been brokered and signed by almost all the parties involved in the conflict, the UN decided to shift its focus from humanitarian issues caused by the conflict to other ignored areas. According to Carayannis and Weiss, this Agreement initiated by regional organisations specifically set the terms for UN engagement by calling for "an appropriate Chapter VII peacekeeping force to ensure the implementation of the agreement."²¹³ The outlined peace operation responsibilities in this Agreement included "monitoring the cessation of hostilities, investigating violations, supervising the disengagement of forces, providing and maintaining humanitarian assistance, keeping the parties to the Cease-Fire Agreement informed, collecting weapons from civilians and scheduling and supervising the withdrawal of all foreign forces." They also asked that the mission use coercive force when needed to attain its objectives and be given the authority to

Actors, Interests, and Strategies in Africa's Great Lakes Region, edited by Mwesiga Baregu, 61-145. Kampala: Fountain Publishers.

²¹¹ For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. "The Democratic Republic of Congo, 1996-2003." *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

²¹² For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. "The Democratic Republic of Congo, 1996-2003." *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

²¹³ *Ibid.*

“track down and disarm Armed Groups, screen mass killers, and hand over genocidaires to the International Crimes Tribunal for Rwanda.”

On August 6, 1999, the UN Security Council (UNSC) accepted the Lusaka Agreement through its Resolution 1258 and authorised an observer mission, made up of 90 Military Liaison Officers to the DRC.²¹⁴ Their mandate was, however, different from what had been requested in the Lusaka Agreement. The Security Council refused to grant the mandate for enforcement and the force size requested. After the deployment of the minor technical assessment team, the Security Council on November 30, 1999 adopted Resolution 1279 authorising the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) until March 1, 2000.²¹⁵ MONUC’s mandate not only included the “facilitation of the delivery of humanitarian assistance and the observation of a ceasefire and the disengagement of forces,” but it also included an early assessment team.²¹⁶ This time the Security Council authorised 500 observers with the appropriate civilian staff.

The UNSC from 1999 onward passed resolutions to introduce MONUC (military personnel and civil observers) to oversee and at certain stages engage in operations to help keep the peace in the Congo. MONUC’s responses to the First and Second Congo Wars were regarded as slightly above board, such that, the mandates for these operations were arguably observed at large. The UN’s response to the Third Congo War, told a different story. This response has since been described as “MONUC’s greatest failure”²¹⁷ to date. Many authors have cited allegations against the UN with regards to its activities on the ground to end the Congo wars. Turner argues:

The UN has been as much a part of the problem in the Great Lakes region as it has been a leader in solving that problem or set of problems. The resources available probably have been insufficient and the mandate has been ill adapted to the situation. The deficiencies of the organisation itself, increasingly visible since the Rwanda catastrophe of 1994, have played a part.”²¹⁸

²¹⁴ For more on the mandate of Resolution 1258 see; [https://undocs.org/S/RES/1258\(1999\)](https://undocs.org/S/RES/1258(1999))

²¹⁵ For more on Resolution 1279 see; [https://undocs.org/S/RES/1279\(1999\)](https://undocs.org/S/RES/1279(1999))

²¹⁶ Ibid

²¹⁷ For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. “The Democratic Republic of Congo, 1996-2003.” In *Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

²¹⁸ For more details see, Turner, Thomas. 2007. *The Congo Wars: Conflict, Myth and Reality*. London: Zed Books Ltd.

The UN failed terribly to prevent a number of “convergent catastrophes,” as Thomas Turner and others have made clear.²¹⁹ The Rwandan genocide and the failure to act between 1994 and 1996 in response to the crisis generated by the flight of Hutu Rwandan authorities, troops and civilians to eastern Congo shows the negligence of the UN in handling the situation.²²⁰ The UN claims to have ensured peace in the Congo is, in theory, different from what actually happened on the ground.

The UN’s human rights machinery among other things, in theory, is responsible for preventing worldwide violations and strengthening the protection of human rights.²²¹ This machinery, however, proved irrelevant to the massive violations of human rights occurrences in the Congo, where they attempted unsuccessfully to act more vigorously in defence of human rights.²²² A report released by Maître Waly Bacre Ndiaye, a UN representative to the UN Human Rights Commission, detailed the human rights violations in the region. This report never came before the Security Council.²²³ Turner explains that had it done so, it probably would have discouraged the UN from trying to promote a transitional democratised government and encouraged a focus on combating human rights abuses, especially genocide.

Some scholars argue that, on the ground, the UN misused the label ‘refugees’ and ascribed it as an unstructured mass of people-in-need. This move kept genocidal militias in the Congo, without considering the roles they played in Rwanda. As a result, their efforts to run refugee camps as operational centres that further perpetrated violence in the DRC were overlooked.²²⁴ The lack of differentiation of refugees and genocidaires by UN aid workers led to a dangerous generalisation which eventually overlooked the professionalism and useful ‘skills’ of some people tagged as refugees. Other researchers argue that the UN had limited knowledge on what was happening on the ground in the DRC and its regions.²²⁵ This is true to an extent, but with the level of information the UN had, it is inexplicable that it downplayed the

²¹⁹ Ibid

²²⁰ For more details see: Barnett, Michael. 2000. *Eyewitness to a Genocide: The United Nations and Rwanda*. Ithaca, NY and London: Cornell University Press.

²²¹ For more on the UN’s human rights machinery see; <https://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx>

²²² For more details see: Barnett, Michael. 2000. *Eyewitness to a Genocide: The United Nations and Rwanda*. Ithaca, NY and London: Cornell University Press.

²²³ See: Ndiaye, ‘Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions’, Commission on Human Rights, E/CN.4/1994/7. <https://digitallibrary.un.org/record/226256?ln=en>

²²⁴ Ndiaye, ‘Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions’, Commission on Human Rights, E/CN.4/1994/7. <https://digitallibrary.un.org/record/226256?ln=en>

²²⁵ Barnett, *Eyewitness to a Genocide*: 145, citing United Nations, ‘Report of the United Nations High Commissioner for Human Rights on His Mission to Rwanda of 11-12 May 1994’, 19 May 1994, E/CN.4/Ss-3/3.

implications of the circumstances at the time because of the lack of strategic relevance of these countries to some of its member states.

The UN over the years has increased the size of its mission to the DRC and strengthened its mandate. One of the biggest problems in the DRC, however, was the limitations of the UN's mandate and the rising concern for the limited availability of resources (men and equipment) needed to carry out that mandate. In theory, the mandate and resources were perfect to handle the situation in the country, but in practice, it was unclear with many restrictions and the resources simply not enough to effectively do so. The UNSC could have adjusted the mandate to suit the situation on the ground, yet in practice, this became rhetoric with inefficient resources to ensure its ability to fulfill its mandate. A typical example is Resolution 1291. This resolution, adopted on February 24, 2000, saw the UNSC decide to implement phase II of MONUC forces. This was dubbed as the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO). The number of military personnel was increased from 90²²⁶ to 5,537 with an updated mandate burdened with conditions such as a 30-day deadline for Governments of the States in the region to conclude a status-of-forces agreement with the Secretary General and a condition based on the approval of the Secretary General for the deployment of the 5,537 military personnel. Besides these conditions, the resolution was also full of arguably unrealistic goals.²²⁷ In addition to the 5,537 military personnel, 500 observers were included in the mandate but also with the condition that the Secretary General saw it necessary to sign-off on the number outlined in the resolution.²²⁸

Resolution 1291 in theory was to be implemented right away after it was adopted, but in practice it took months for it to materialise. Turner notes that, as of April 2000, there were still only 111 UN military personnel in the DRC out of the expected number of 5,537.²²⁹ This is very unsettling considering the fast rate at which the dynamics of the situation in the Congo changed. Arguably, the dynamics in the Congo had changed so much that the working mandate was outdated, and the mission had no positive effect in dealing with the changed situation when the UN was finally ready to implement it.

²²⁶ UN Security Council Resolutions. S/RES/1258 (1999), 6 August 1999. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/230/08/PDF/N9923008.pdf?OpenElement>.

²²⁷ For more details see, UN Security Council Resolutions. S/RES/1291 (2000), 24 February 2000. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/313/35/PDF/N0031335.pdf?OpenElement>.

²²⁸ Ibid

²²⁹ For more details see: Turner, Thomas. 2007. *The Congo wars: conflict, myth and reality*. London: Zed Books Ltd

To add to the above, two events in Ituri in 2003, further showcased the limitation of MONUSCO's mandate on the ground. Ituri, a district in the eastern part of the DRC, is regarded as one of the most conflicted districts in the eastern part of the country, governed by the system of divide and rule.²³⁰ It is also an area where a large amount of natural resources is found, and neighbouring countries (Rwanda and Uganda) sought to profit from controlling these resources. Uganda, for example, sent troops into the Ituri district with the intention of backing the Kinshasa government in a bid to minimise the activities of armed groups within the district. Contrary to the plan, the situation became worse with a number of Uganda's high-ranking officers becoming rich and backing various armed groups in the "bloody militia combat".²³¹ The situation only got worse as Rwanda got involved, with the two other parties backing their own contenders.²³²

To solidify the limitation of the UN's mandate, an interim Emergency Force called 'Opération Artémis' was sent by the EU led by France and undersigned by the UNSC to control the situation on the ground. Before this operation, the UN had been pressurising Uganda to withdraw its troops from the Ituri district, in conformity with a peace agreement, but its appeal was to no avail.²³³ Opération Artémis, although successful, caused Uganda to withdraw in such a hasty manner that it caused further chaos and violence. In contrast, Turner argues that MONUSCO insisted that it had neither the mandate nor the resources needed to provide security in Ituri. Despite MONUSCO's claims of having no mandate and resources to provide security in Ituri, it had the resources to deploy a multitude of Uruguayan guards (URUBATT) to protect UN personnel participating in the Ituri peace process brokered by MONUSCO a month earlier.²³⁴ As Turner points out, the Artémis intervention confirms that it was possible for the UN to have intervened more rapidly and more effectively than it had done.

The following year, the UN further illustrated how different in rhetoric their activities in the Congo were in practice. In the province of South Kivu, rebels emerged in support of the Kinshasa government and the Congolese Rally for Democracy (RCD) to fight for the control of Bukavu the capital of South Kivu province. On the one hand were the forces loyal to the

²³⁰ This concept refers to a strategy where power is gained and maintained by breaking up larger concentrations of power into fractions that individually have less power than the one implementing the strategy. Thus, this strategy breaks up existing power structures and prevents smaller power groups from linking up.

²³¹ For more details see: Page 171. Turner, Thomas. 2007. *The Congo Wars: Conflict, Myth and Reality*. London: Zed Books Ltd

²³² Ibid

²³³ Ibid

²³⁴ Ibid

Kinshasa government and on the other hand, the soldiers linked to the Congolese Rally for Democracy (RCD) rebels.²³⁵ When fighting broke out between these two parties, MONUSCO tried to reach a negotiated solution but failed. This reportedly cost the life of a UN observer, several government troops and numerous civilians. Despite several warnings, MONUSCO failed to use force as stipulated in its mandate. Even though hundreds of individuals under the threat of violence were relocated by UN forces, it failed to take further action under Chapter VII of its mandate “to protect civilians and humanitarian workers under imminent threat of physical violence” and “use all necessary means to fulfill its mandate”.²³⁶ According to Turner:

MONUC forces carried out limited patrols in Bukavu but took no military action to stop the renegade commanders from taking control of the city. With only some 700 troops present in Bukavu MONUC officers gave a narrow reading to the Chapter VII mandate.²³⁷

Alongside the UN’s failure to execute the mandate on the ground in the DRC, it has also had to deal with accusations that its personnel had been guilty of massive sexual misconduct.²³⁸ Investigations conducted by ABC News showed that UN officials had been involved in sexual misconducts and violations against civilians especially women and children in the Congo.

The range of sexual abuse includes reported rapes of young Congolese girls by U.N. troops; an Internet pedophile ring run from Congo by Didier Bourguet, a senior U.N. official from France; a colonel from South Africa accused of molesting his teenage male translator; and estimates of hundreds of underage girls having babies fathered by U.N. soldiers who have been able to simply leave their children and their crimes behind.²³⁹

In addition to these findings, some UN officials on the ground admitted to the situation. William Swing a former head of the UN operation in the DRC admitted that the sexual crimes

²³⁵ Human Rights Watch, ‘D.R. Congo: War Crimes in Bukavu’ Human Rights Watch Briefing Paper, June 2004. <http://hrw.org/english/%20docs/2004/06/11/congo8803.htm%3E>

²³⁶ UN Security Council Resolution 1493, 28 July 2003. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N03/443/15/PDF/N0344315.pdf?OpenElement>

²³⁷ For more details see: Turner, Thomas. 2007. *The Congo Wars: Conflict, Myth and Reality*. London: Zed Books Ltd

²³⁸ For more details see: B. Ross, D. Scott and R. Schwartz, ‘U.N. Sex Crimes in Congo’, ABC News, 10 February 2005, accessed 24 November 2020. <https://abcnews.go.com/Blotter/UnitedNations/story?id=489306&page=1>

²³⁹ B. Ross, D. Scott and R. Schwartz, ‘U.N. Sex Crimes in Congo’, ABC News, 10 February 2005, accessed 24 November 2020. <https://abcnews.go.com/Blotter/UnitedNations/story?id=489306&page=1>

were indeed a ‘black mark’ on the organisation.²⁴⁰ In addition to UN personnel misconduct, the Congolese national police were also major perpetrators of sexual abuse.²⁴¹

MONUSCO and AU’s recent roles in the Democratic Republic of Congo

Certain developments in the Congo especially in the eastern parts have convinced regional and international organisations to remain active in the region to ensure political, economic, and social stability. Among many others, armed groups like the Mouvement du 23 Mars (M23), Allied Democratic Forces (ADF) and the Coopérative pour le développement du Congo (CODECO) group have risen to perpetrate further conflicts in the DRC. MONUSCO has however maintained its presence together with the Forces Armées de la RDC (FARDC) to help with the restoration of peace in the region. One of the recent resolutions at the time this chapter was written is Resolution 2502. It acknowledges that the situation in the DRC continues to constitute a threat to international peace and security in the region.²⁴² MONUSCO’s mandate has now been extended to December 20, 2020, with an authorised commitment of “14,000 military personnel, 660 military observers and staff officers, 591 police personnel, and 1,050 personnel of formed police units.” Yet, this resolution calls upon the Secretary General to consider reducing the “level of military deployment and area of operations, based upon the positive evolution of the situation on the ground”. This recommendation is arguably a step in the wrong direction because it will further put the DRC in a vulnerable position. Further decreases in the level of military operations will lead to an increase in the activities of armed groups that will eventually lead to a rise in conflicts. As speculated when this section was being written, the latest report by the Secretary General in 2021 reaffirms my fears.

The 2020 mandate, just like previous ones, authorises MONUSCO to “take all necessary measures to carry out its mandate and requests the Secretary General to immediately inform the Security Council if MONUSCO fails to do so”²⁴³. It is important to point out that, MONUSCO for several years repeatedly failed to meet its mandate to take all necessary

²⁴⁰ Ibid

²⁴¹ MONUSCO. ‘UN Action Plan to Fight Sexual Violence by Congolese National Police’, UN Stabilization mission in the DR Congo, 11 November 2019, accessed 24 November 2020.

<https://monusco.unmissions.org/en/united-nations-officials-welcome-signing-action-plan-fight-sexual-violence-congolese-national-police>

²⁴² UN Security Council Resolution 2502, 19 December 2019.

https://monusco.unmissions.org/sites/default/files/resolution_2502_-_en.pdf

²⁴³ MONUSCO. ‘UN Action Plan to Fight Sexual Violence by Congolese National Police’, UN Stabilization mission in the DR Congo, 11 November 2019, accessed 24 November 2020.

measures. After years of this failure, the only measure in place to prevent a repeat of the past is the oversight responsibility of the Secretary General.²⁴⁴

According to the September 2020 report of the Secretary- General, the security situation in the eastern part of the Congo had further deteriorated. There have been violent clashes in the provinces of North Kivu, South Kivu and Maniema, Ituri, Tanganyika, Kasai and Kasai Central Provinces. As expected, these conflicts between armed groups are as a result of the recurrent fight over territory and natural resources.²⁴⁵ There have also been reports of political instability within the aforementioned provinces and attacks on civilians. Rhetorically, MONUSCO is working to continuously provide protection to internally displaced persons as well as intervening repeatedly to prevent attacks on them.²⁴⁶ In addition, in the South of Kivu and Maniema Provinces, MONUSCO is said to have provided protection to 2,037 internally displaced persons. There have been several attacks and acts of violence against civilians in the Ituri Province. Aside from the establishment of an early warning mechanism and the facilitation of a community awareness-raising platform, MONUSCO together with the FARDC has overseen the execution of a peace pledge amongst 42 traditional chiefs and leaders in the province. Even though reports of COVID-19 related challenges and disagreements between the Government and the Force de résistance patriotique de l’Ituri (FRPI) hindered the implementation of a peace agreement between both parties, there is hope that the peace process will eventually result in the demobilisation of around 1,100 FRPI combatants and their reintegration into their communities of origin.²⁴⁷

In the Kasai and Kasai Central Provinces, MONUSCO facilitated the deployment of FARDC and Congolese National Police troops to restore security in Demba and Mweka territories. They also provided support to the provincial government to facilitate engagement with the Angolan authorities for a peaceful solution. This ultimately led to a cooperation agreement signed on September 16, between Angola and the Congo, and expected to be established in 2021, a joint permanent commission on defence and security matters.²⁴⁸

According to the report, MONUSCO is working with the Congolese and neighboring governments to implement mission strategies and to facilitate the political processes. Some of

²⁴⁴ UN Security Council Resolution 2502, 19 December 2019.

https://monusco.unmissions.org/sites/default/files/resolution_2502_-_en.pdf

²⁴⁵ For more details on the Secretary General’s report see; Report of the Secretary-General, 21 September 2020. https://monusco.unmissions.org/sites/default/files/s_2020_919_e.pdf

²⁴⁶ Ibid

²⁴⁷ For more details on the Secretary General’s report see; Report of the Secretary-General, 21 September 2020. https://monusco.unmissions.org/sites/default/files/s_2020_919_e.pdf

²⁴⁸ Ibid

these strategies are aimed at addressing the root causes of the conflicts affecting the eastern parts of the country. The aim is to support the extension of State authority, such that there is substantial reduction of armed group violence to a level where the Congolese government can autonomously manage any such conflict.²⁴⁹ To add to the above, MONUSCO has beefed up its field-level responses by consolidating the presence of its forces to enhance its intelligence gathering. One way of doing this was to set-up a temporary operating base in the Halungupa-Mutwanga area to facilitate the reconstruction of a bridge over the Hululu river to deter the presence of armed groups.²⁵⁰ Regardless of MONUSCO's narrative of making milestones in the DRC, there is more to be done to have the DRC stabilised and out of conflicts.

Rhetorically, the UN is currently working on an exit strategy for the Congo. The September 2020 Secretary General report highlighting MONUSCO's achievements in the DRC aside, also entertains a joint transition strategy that would allow for a progressive transfer of tasks carried out by MONUSCO to the Congolese authorities. Similar to the September 2020 report, a March 2021 report emerged from the Secretary General. In this report he highlights further deterioration in the security situation in the eastern provinces of the DRC specifically Ituri, North Kivu and Kasai, and Kasai Central.²⁵¹ He also assessed that the human rights violations and abuses have also increased by 2 percent in less than a year. According to the Secretary General's observation, "the political and security environment in the DRC remains volatile."²⁵² Due to these reasons, the UNSC has extended its Resolution 2556 from 20 December 2020 to 20 December 2021. Considering the Secretary General's 2020 and 2021 reports, it's fair to point out that, once again, the UN set unrealistic goals for the DRC in 2020 which caused it to miss the 2021 deadline it set for its own targets.

It has taken over two decades for the UN to achieve the modest 'successes' in the Congo. It's important to note that the reduction in armed groups activities have only been achieved because of the presence of over 14,000 military personnel in the DRC at a cost of billions. The approved budget for 2020 for the UN mission in the DRC is \$1,154,140,500 dollars.²⁵³ Based on evidence with regards to the ongoing situations in the DRC - the struggle

²⁴⁹ Ibid

²⁵⁰ For specific details on MONUSCO's recent activities on Mission strategies and political processes and Field-level responses in the Congo, see; Report of the Secretary-General, 21 September 2020. https://monusco.unmissions.org/sites/default/files/s_2020_919_e.pdf

²⁵¹ See the Report of the Secretary-General, 18 March 2021. https://monusco.unmissions.org/sites/default/files/s_2021_274_e_report_of_the_secretary-general_on_monusco.pdf

²⁵² Ibid

²⁵³ UN. *United Nations Peacekeeping: MONUSCO Fact Sheet*. Accessed on 5 August 2021. <https://peacekeeping.un.org/en/mission/monusco>

for democracy, the need to better humanitarian, human rights and health situations and the need for political, economic, and social stability - it is safe to say that any minor set-back will likely plunge the country back to its previous anarchic state. The current state of the country is not the best, but it is by far the best it has been in for a long while.

One of the major objectives before the OAU became the AU was to check itself from interfering in the affairs of member states. This objective to an extent changed when the conflicts in the DRC began and the OAU became the AU. The AU since the Congo crisis began has taken several roles in dealing with the situation. Some of these roles in theory have included mediation and engaging in partnerships. In practice, the AU has not once censured neighbouring states for their interference in the DRC and has often taken a backseat in dealing with the situation in the country, especially with regards to the provision of the implementation of resources. Thus, in situations where it claims to have taken the lead in mediation for instance, other African organisations like the Southern African Development Community (SADC) have instead taken the lead role. In partnerships with other organisations the latter has most often taken the lead role. The argument for the AU taking a backseat in the DRC has mostly dwelled around the issue of its lack of resources to effectively resolve the complex situation in the country, causing other organisations like the UN, the EU, and in some instances independent states to take the lead. This is certainly unacceptable and contradicts the theorised objectives and mandates of the AU especially in the era of “African solutions to African problems.”²⁵⁴

The AU has engaged in partnerships with the UN to deal with the situation in the DRC. One of the driving policies for the AU in dealing with the situation is its Peace, Security and Cooperation (PSC) Framework for the Democratic Republic of the Congo and the region. The PSC Framework is an AU strategy highlighting roles needed to be played by the DRC, neighbouring countries, and the international community to ensure peace and stability.²⁵⁵ For the DRC, the framework outlines the need for the country to show among other things “a renewed commitment to continue and deepen security reform,” consolidate state authority to

²⁵⁴ The AU together with other African organisations for several years have argued that for peace to prevail in conflicted African regions, there’s a need for international organisations like the UN to take a step back to allow African organisations to come up with strategies for these conflicts. This argument is made in light of the fact that African organisations compared to international ones have a better understanding of the dynamics of local major conflicts and crises impacting the continent. One of the major problems of this declaration is that the AU like other African organisations does not have the resources to implement the needed strategies for complex conflicts like that of the Congo. This however strengthens my premise that the AU’s dealings to resolve conflicts in Africa in theory are different in practice.

²⁵⁵ Peace and Security Council. *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region*. 24 February 2013. Addis Ababa. <http://www.peaceau.org/uploads/scanned-on-24022013-125543.pdf>

prevent armed groups from destabilising nearby states and promote the agenda for “reconciliation, tolerance, and democratisation”. The framework also calls on neighbouring countries to stop interfering “in the internal affairs” of other states, to “neither tolerate nor provide assistance or support of any kind to armed groups” and “to respect the sovereignty and territorial integrity of” its neighbours.²⁵⁶ It further outlines specific instructions to the international community on how to deal with the situation in the DRC. To this effect it states that, “The Security Council would remain seized of the importance of supporting the long-term stability of the Congo, a strategic review of MONUSCO that aims to strengthen support to the Government to enable it to address security challenges and extend State authority, and the appointment of a UN Special Envoy to support efforts to reach durable solutions in a multi-track plan that allows the convergence of all initiatives in progress.”²⁵⁷

This framework seems to be a good roadmap aimed at assisting the Congolese government, the international community and regional neighbours about how to deal with the situation in the DRC. A missing but important link is the role of the AU in the framework. From this framework, it is quite clear that the AU does not see itself as the major institution to actually take-up responsibilities to help deal with the situation in the DRC. Throughout the framework, the AU makes no mention of itself in any operational capacity. It rather outlines the responsibilities of other organisations, removing itself from the equation. This is dissatisfying as the AU rhetorically portrays itself as the organisation responsible for dealing with conflicts in the African region in all aspects – from mediation to peace operations.

The first progress report of the PSC Framework highlights some challenges faced by this AU-led strategy. The first challenge is the lack of trust between the signatories of the Framework.²⁵⁸ According to the report, neighbouring countries who are also signatories to the framework do not trust each other because in reality they still wage war with one another. Second, the report highlights the concerns of certain actors in the framework about how the strategy has been implemented so far. The major concern of these actors is that the framework is copying on-going activities of other regional organisations. They indicate that this is preventing the strategy from attaining any actual results and wasting the few precious resources available for implementation. Finally, the report argues that the activities of domestic armed groups, with “many profiting from illegal extraction of minerals and reportedly being

²⁵⁶ Ibid

²⁵⁷ Ibid

²⁵⁸ PSC Technical Support Committee. *PSC Framework First Progress Report*. 2014. drafted by South Consulting Africa Ltd.

supported by state and non-state actors at the local, regional and international levels, have weakened the course of the PSC Framework.”²⁵⁹ Even though an outlined strategy exists, there is the continuous existence of armed groups in eastern Congo preventing the successful implementation of the framework.

As Carayannis and Weiss point out, the AU’s role during the Congo wars was limited to those of “legitimiser of UN actions, intermediary between extra and subregional organisations, and moral guarantor of the peace agreement.”²⁶⁰ The AU was mostly absent as an organised force in the First Congo War. In the Second War, the AU “acted as an intermediary between the UN and the SADC- the subregional organisation most directly involved in the conflict.” As ‘moral guarantor’, the AU decided to work, lobby, and pressurise the parties involved in the conflict to agree to the peace resolution. Carayannis and Weiss argue that subregional organisations progressively filled the vacuum left by the AU’s limitations to act in conflict management.²⁶¹ Although the AU claims to have taken different roles in the Congo wars, the actions which took the forms of mediation, military intervention and advocacy with the international community were SADC-driven.²⁶²

Rhetorically, the UN and AU engage in partnerships to ensure peace and stability in the DRC. What this means in practice is that both the UN and AU are present at the same time in the DRC solving a common conflict. They, however, develop strategies of their own individually without any form of coordination or information sharing from and with the other organisation. In this regard, the Kinshasa AU Liaison Office for instance, remains an underutilised resource between MONUSCO and the AU in the sense that there’s no form of information sharing, strategy development and the possibility of the organisations testing each other’s analysis of the current context of the conflicts in the region. Besides the fact that UN and AU policy documents speak little to nothing of the AU’s direct engagement in cooperating with the UN in the DRC, it has been established that the AU mostly depends on regional organisations and individual countries to manage conflict situations in the DRC and whenever it engages in partnerships, the other organisation often takes the leading role.

²⁵⁹ Ibid

²⁶⁰ For more details see; Carayannis, Tatiana, and Herbert F. Weiss. 2003. “The Democratic Republic of Congo, 1996-2003.” *In Dealing with Conflict in Africa: The United Nations and Regional Organizations*, edited by Jane Boulden, 253-303. New York: Palgrave Macmillan.

²⁶¹ Ibid.

²⁶² Ibid, 292

Chapter IV: Conclusion

The UN has set very high standards with regards to ensuring that the world enjoys peace and stability. One main way to achieve this is through peace operations where national troop contingents and other UN personnel work together to restore and maintain peace and stability. In practice, the institutional structure of the UN Security Council (UNSC) dominated by the views of the permanent five (P-5) largely determine the manner in which peace and security issues are managed. This reality with regard to African conflicts when compared to other regions strongly suggests that less priority is attached to Africa than conflicts in other regions of the world relative to the interests and priorities of the P-5. Even if or when a re-occurring conflicted area gets and remains on the UNSC agenda, it is treated as a normal occurrence on the continent, such that the Security Council is unfazed and unmotivated to treat the issue with the urgency it needs. A typical example is the longstanding conflicts in the DRC, which have been on the agenda of the Security Council since 1960. Despite efforts by the media, activists, and world and African leaders to change the behaviour of the UN when it comes to dealing with conflicts in certain parts of Africa, the tendency of the UN to ignore and stay silent has become deeply embedded in the culture and DNA of the Security Council.

The UN's role as a legitimate actor to prevent conflicts and maintain peace has been tried, contested, and accepted in the world since 1945. Besides having the identity, authority, and expertise to act on behalf of member states to ensure peace and security, it also has access to the resources needed to ensure that peace and stability prevails. Thus, it's problematic that in practice, the UN has easily embraced the idea of "African solutions to African problems." This is directly related to the Security Council, specifically the P-5 and its overall behaviour when dealing with Africa. It's, however, puzzling because Africa does not have a quarter of the expertise of the UN, neither does it have the resources required to ensure peace and stability on the continent.

The UN's decision to support Africa solutions to African problems is a mistake. Scholars like Stedman have argued that the UN's decision to support African solutions doesn't necessarily mean that the UN is taking a step back in dealing with the continent.²⁶³ He noted that the UN is giving Africa the chance to take the lead in providing sustainable solutions to problems, because better than the Security Council, it knows the people and understands the many dynamics of instability on the continent. This argument is however problematic because

²⁶³ Stedman, Stephen John. 1996. "Conflict and Conciliation in Sub-Saharan Africa," in *The International Dimensions of Internal Conflict*, edited by Michael E. Brown, pp. 235-265

it's almost as though the UN has always been on the lookout to ignore its African responsibilities. In practice and before its adoption of the ideology of "African solutions to African problems," the UN often stayed silent or responded late whenever conflicts arose in the region. The UN's inability to respond effectively and undertake conflict preventive measures led African leaders to push for African solutions.

The DRC is the most expensive UN mission ever at the cost of billions. However, these resources have proved to be insufficient in bringing peace and stability. Steadman argues that the UN has devoted and will continue to devote limited resources to Africa.²⁶⁴ In the longstanding conflicts in the DRC, the UN has systematically proven the point of Steadman. This is evident in two ways. First, in its failure to provide the assistance and resources needed to end a conflict and second, in its eagerness to be relatively silent when called upon for support. The number of conflicts present in Africa is so high that there is an intense competition for resources between African countries, which makes the UN devote its resources to the most conflict-ridden areas, which receive more attention and assistance as compared to those countries that have achieved some measure of stability. A direct effect of missing investments in preventive diplomacy and mediation in Africa is the UN's neglect of lesser conflicts which eventually snowballs into larger conflicts. It is therefore imperative for the UN to enhance its preventive diplomacy and mediation efforts to prevent conflicts and civil wars from escalating to the point where it must decide which country needs its attention, intervention, and resources more.

Besides the UN, the AU is also regarded as a legitimate actor in ensuring peace and stability on the African continent. The strategy of the AU to achieve this objective has theoretically been proven to be the best strategy possible but in practice its nowhere near attaining its goals. Rhetorically, the AU's PSC Framework provides a well-structured road map for the AU to follow in ensuring peace on the African continent. In practice it is difficult for the AU to follow this Framework because of the shortcomings associated with the implementing bodies of the Framework like the Peace and Security Council. From the setting of overly ambitious goals, the inabilities of internal structures to perform their duties, the overdependence on external sources and the AU's overall demeanour to be unrealistic about the situation on the African continent, it is not surprising that the AU struggles to achieve what it states in theory on the ground. Even though the determination by the AU to strive for success

²⁶⁴Stedman, Stephen John. 1996. "Conflict and Conciliation in Sub-Saharan Africa," in *The International Dimensions of Internal Conflict*, edited by Michael E. Brown, pp. 235-265

seems sincere, Møller argues that “there is a wide gap between these ambitions, plans, organisational set-ups and actual accomplishments”²⁶⁵

The internal structures of the AU specifically its African Peace and Security Architecture (APSA) is theoretically designed such that other internal organs found within the organisation provide support by performing their own streamlined functions to aid the PSC’s APSA in attaining peace and stability in Africa. The case is, however, different in practice, because these organs are unable to perform and execute their roles as outlined in theory. The identified gap is mainly a result of the limitations set by the organisation itself with regards to its economic resources and capabilities. The inability of the AU to provide skilled labour to serve in the capacities required to maintain peace and stability in Africa, makes it extremely difficult for the organisation to attain some of its objectives.

Relative to the AU’s claims of being a legitimate actor and its objective to maintain peace and stability on the African continent, it is fair to expect the AU to provide the resources needed to maintain peace and stability. Contrary to this expectation, the AU has depended on external sources to provide resources for their activities. Steadman, among others, has argued that it is right for the AU to seek assistance from external sources because “drawing resources from African countries that have the potential to be self-sustaining, risk condemning all of Africa to collapse.”²⁶⁶ To Steadman, if the AU depends solely on resources from member states and refuses to take assistance from external sources, all of Africa risks an economic crisis.

Only about four African countries contribute to the African Standby Force (ASF) which makes up a total of only between 2 to 4 percent of the entire budget of the AU’s ASF. The rest comes from external sources like the UN and the EU. The AU’s ASF dependence on external resources often results in disagreements on the strategy to use to ensure peace. Even though the low rate of African countries contributing to the ASF suggests the need for the AU to reach out to external sources, the repercussions of fully depending on external sources prevents the AU from implementing its own strategies. This is problematic because the constant implementation of donor strategies has prevented the AU from knowing how sustainable and realistic its own strategies are in ensuring peace. Thus, instead of implementing the strategies of its donor, an implementation of its own strategies will make it clear that it needs to set

²⁶⁵ Møller, Bjørn, *The African Union as Security Actor: African Solutions to African Problems?* Danish institute for International Studies. 2009. Working Paper no. 57 – Regional and Global Axes of Conflict

²⁶⁶ Stedman, Stephen John. 1996. “Conflict and Conciliation in Sub-Saharan Africa,” in *The International Dimensions of Internal Conflict*, edited by Michael E. Brown, pp. 235-265

realistic goals to allow the organisation to provide the needed resources for itself. De Coning emphasises the negative impact on the AU in relying on external sources for economic, human, and institutional assistance. De Coning reported that the AU's dependence on external sources not only gives rise to the issue of command in practice, but it also prevents the AU from learning to develop and refine its own support system.²⁶⁷

Unlike other states in Africa, the DRC since the late nineties has firsthand experienced the activities of diverse international and regional organisations in the bid to maintain peace and stability in the region. In this regard, the UN and the AU have both acted individually, in partnerships with each other and in partnerships with other organisations to solve conflicts in the DRC. The activities of both the UN and the AU in the DRC on the ground first doesn't match what they rhetorically claim. Second, their actions also don't correspond with some of the main objectives of the organisations, such that many of the actions taken by these organisations in the DRC fails to correspond with their objective of being actors of peace and stability in conflicted areas. To this effect, both the UN and the AU have failed in the DRC in several capacities.

The DRC as a case study indicates that the UN until recently ignored many of the conflicts in the region and failed to intervene or respond to prevent the escalation of these conflicts. The UN repeatedly emphasises conflict prevention in non-African regions and yet did arguably nothing to prevent the conflicts in Rwanda from spilling over into the DRC. Despite other regional efforts, the UN's indecisiveness to act in the earlier stages of these conflicts caused their escalation which allowed the conflicts to metamorphose such that it was difficult to know the exact changes leading to the present state of the conflict. As a result, the UN had no idea where to begin or how to deescalate the situation when it finally got involved. Besides the problem of late response, the mandates, objectives, and resources apportioned to some of these conflicts were not realistic on the ground and simply not enough to deal with the situations.

The mandates, objectives and resources provided by the UN to control the conflicts were often not compatible with the situation on the ground because the entire nature of the conflict had changed when it was finally ready to act. This made the mandate not useful for the new elements present within the conflict. This situation makes it very difficult for the UN to fully engage in the processes engraved in theory. Thus, from the onset the UN ignores the most

²⁶⁷ See De Coning in *United Nations Peace Operations*. Palgrave Macmillan. 2019, pp 238-344.

important tools needed to provide direction. This neglect in effect causes it to spend so much time formulating and amending resolutions to ensure that their mandates compliment the situations on the ground. In addition to this, some cases in the DRC also shows that the UN often provides less than the required resources needed for negotiations and peace operations in general. It is therefore important for the UN to employ preventive diplomacy measures and to respond on time when conflicts break out.

One of the main issues of having the AU in the DRC is its inability to embrace fully its role as a legitimate actor in the region. This issue is, however, deeply embedded in the fact that the AU has limited access to financial resources. The AU has arguably fully relied on other organisations, including the UN, to take the leading role in dealing with most of the conflicts in the DRC. In this regard, these organisations instead of the AU have engaged in negotiations to broker peace deals and in some cases provided the needed resources to prevent the escalation of conflicts. Similar to the UN, the AU has taken a step back in responding to some of these conflicts, because even though the UN accepts the AU's lead role in finding African solutions to African problems, the AU's dependence on the UN for resources causes the UN to take the lead which allows the organisation to dictate to the AU. The AU, however, embodies the PSC Framework which outlines the AU's strategy in dealing with the conflicts in the DRC. The only problem with this Framework is the fact that the AU fails to mention its overarching role when working with other organisations to ensure peace and stability in the DRC. To this effect, various progress reports on the PSC Framework have highlighted many challenges faced by this AU-led strategy.

The rationale for cooperation between the AU and other organisations especially the UN is to have full access to all the benefits attained when organisations engage in partnerships. Cooperation allows organisations to share resources in human, financial and operational capacities. The advantages of burden sharing not only allows organisations to benefit from each other, but it also brings about a strategic dimension to conflict management which isn't available in traditional peace operations. Despite the advantages of cooperating, there are problems associated with this which makes it quite burdensome for organisations who engage in it. One of the main issues of cooperation between the AU and the UN is the lack of consensus between both parties in terms of agreeing on the strategy to employ to solve a conflict. This problem makes it difficult for both organisations to work together because it creates inflexible structures which often leads to redundancy in strategies.

The UN and the AU have developed many institutional strengths from cooperating to maintain peace in the DRC. Regardless of the partnership developed, there are challenges

which undermines this UN-AU cooperation. One is inadequate coordination and the need for strengthened partnership between the UNSC and the AU's PSC.²⁶⁸ The reasons for the lack of coordination between the UN and the AU in the DRC are deep-rooted in long-time tensions between the UNSC and the AU PSC over the handling of African crises. The deep, long-term dynamics at work undermining both Councils from within and the debates about which institution should have the primacy in executing goals has caused conflicts on the African continent to continue longer than necessary. These tensions from within makes each Council less reliable in its engagement with the other. To this effect, on the one hand, there are splits among the P5 regarding conflict situations in Africa due to the competition between these countries for influence on the continent. On the other hand, the increasing marginalisation of the PSC by AU leaders and Senior officials has diminished the institution's confidence and undermined its credibility as a "voice for continental affairs"²⁶⁹ with the UNSC.

The view of the AU that the UN always wants to take the lead in cooperation is as a result of the UNSC's lack of deference to the positions of the PSC on matters regarding conflicts in Africa. Due to the disconnection between the two Councils, there reflects a lack of African support for UNSC decisions making it hard, if not impossible, for UN efforts to succeed on the continent. These challenges can be grouped into three large categories. First is the issue of institutional pride which causes both the UNSC and the AU PSC to avoid deferring to one another. Second is simply a lack of knowledge about what the other is doing and their respective working methods. Third, the two Councils lack protocols for operational cooperation such as joint visits to African countries in crisis that could stimulate discussions about joint problem solving and draw the two bodies together.

First, the PSC does not include the African countries that sit on the UNSC (A3) in its deliberations. The structure of the AU's PSC prevents all member states from participating in the deliberations of the Council. This means that even African states on the UNSC may or may not have the opportunity to engage in the deliberation process of the PSC. Thus, because the PSC does not invite the A3²⁷⁰ into its closed consultations (unless they sit on both Councils simultaneously), it is difficult for the A3 to have a full understanding of the analysis on which

²⁶⁸ Carayannis and Pangburn. 2016. "AU and UN Cooperation in Peace Operations in the Democratic Republic of Congo" Accessed on 5 August, 2021. <https://sites.tufts.edu/wpf/files/2017/07/14.-AU-and-UN-DRC-Carayannis-and-Pangburn.pdf>

²⁶⁹ International Crisis Group. 2019. "A Tale of Two Councils: Strengthening AU-UN Cooperation." International Crisis Group, Brussels

²⁷⁰ A3 refers to the three African Countries who sit on the Security Council. Currently, they are Kenya, Niger and Tunisia.

PSC decisions are based making it difficult for them to communicate to the UN on the AU's behalf. Since the A3 has no input in the decisions they are meant to advocate for, it limits the AU in presenting its own position to the UN especially with regards to resolutions for conflicts in the DRC. To add to the above, the UNSC and specifically the P5 fails to take African input into account because of the lack of time for discussions with the PSC once the P5 have agreed among themselves. Thus, although the PSC generally takes the view that the A3 should present its views to the UNSC in reality, the lack of communication and coordination prevents the AU from maximising the PSC influence on the Security Council debates and decisions with regards to Africa.

Second, there's the lack of knowledge and liaison between the two Councils. The UNSC hosts meetings at the AU headquarters yearly. However, PSC members struggle to follow the day-to-day activities of the UNSC, and vice versa. This problem intensifies during periods of fast-moving crisis. One of the main reasons for this poor coordination is the fact that the most important UNSC and PSC discussions take place in private. As such, it is difficult for the PSC specifically to have real-time insights into UN affairs. Due to this reason, the two Councils often misinterpret each other's processes and priorities in a way that creates significant gaps in ensuring peace and stability in the DRC.

Finally, there are several operational cooperation gaps which makes it difficult for the two Councils to work effectively together. Both Councils have annual joint consultative meetings to deliberate on their actions to ensure peace on the African continent. These meetings have not met the expectations of both Councils. Diplomats from both Councils have cited the ineffectiveness of these annual joint consultative meetings and based the cause on excessively long agendas, limited preparation, and a lack of actionable outcomes for the two bodies to work on together throughout the year to deepen cooperation.²⁷¹ Besides this, the UNSC and the PSC do not engage in joint field visits to assess the situation, as in the case of the DRC. This is because past discussions on the subject have tended to increase tensions between the two Councils and raised concerns about procedures like how to get their agenda aligned and questions about which of the Councils take precedence in a joint party. Consequently, because the UNSC and the PSC engage in separate field visits, it makes it difficult for both Councils to develop a common analysis of the conflict situations on the ground.

²⁷¹ International Crisis Group. 2019. "A Tale of Two Councils: Strengthening AU-UN Cooperation." International Crisis Group, Brussels

Despite the UN's efforts to maintain equal approaches and successes globally, its role in ensuring peace and stability has been unequal in two main areas when comparing Africa to the rest of the world. Its attitude and approaches towards conflict prevention and its activities on the ground during an operation has been very different when comparing Africa to other regions. In countries like Colombia, Kyrgyzstan, and Guyana the UN has embarked on several conflict preventive actions to avert the "outbreak, escalation, continuation, and recurrence" of violent conflicts. The case is however different in many regions in Africa, like in the DRC. Some scholars may, however, argue that the UN has engaged in preventive measures in some African countries like Liberia and Burkina Faso.²⁷² Even though this is the case, the preventive measures referred to in this case means that the UN often acted only to prevent a re-escalation of conflicts that have already taken place; conflicts they failed to prevent in the first place. As such, for future research, it will be best to engage the peace and conflict literature to research how these organisations can work effectively together to ensure peace. It will also be great to compare the activities of the UN and AU in other parts of Africa.

There are several inconsistencies in the UN and AU's strategies in rhetoric as opposed to their activities on the ground to ensure peace and stability in Africa. To fully understand the situation and provide recommendations on how both organisations can achieve better results in Africa, there needs to be further research in two major areas. A first area of inquiry is why the UN acts differently when it comes to Africa and why the AU fails to make realistic goals with regards to ensuring peace and stability in Africa. Thus, a comparative study on the factors influencing the behaviours of both the UN and the AU when working to ensure peace in Africa will bring to light the reasons these organisations have failed to achieve stability on the continent. A second area of research is to examine why the AU depends on regional organisations to implement most of its duties when it comes to ensuring peace in Africa. This is needed to understand the root causes of the attitudes of these organisations especially the UN's approach towards Africa. By comparing conflicts in the DRC to other conflicted areas in Africa and analysing the activities of the UN and the AU as; individual actors, actors in partnerships with each other and actors in partnerships with other organisations it will be possible to measure the overall performance of these organisations in relation to ensuring peace and stability on the continent which will enable researchers with the knowledge to provide

²⁷² United Nations Department of Political Affairs. *Conflict Prevention and Preventive Diplomacy in Action*. New York: United Nations 2019.

recommendations on how they can work effectively to achieve long lasting peace and stability in Africa.

By using the DRC as a case study and analysing the UN and AU's objectives, mandates, and strategies in ensuring peace and stability in Africa, this thesis has shown how different the activities of these organisations are on the ground as compared to their rhetoric. In practice and opposed to what is believed in theory, both the UN and the AU have difficulties performing to their full potentials to maintain peace and stability on the African continent. In regions like Sierra Leone where the UN boasts of successfully transitioning the country from civil war to peace, stability, and democracy the AU, regional organisations and other external actors took the leading roles when the civil war started in 1999. In cases like Somalia where the AU boasts of taking leading roles to ensure peace and stability, regional organisations in reality took leading roles to ensure a level of peace and stability.

The constant rise of violent extremism, asymmetric warfare, transnational organised crime, and climate change in Africa calls for the need for the UN and the AU to change their strategies to respond effectively to the situations on the ground. The UN needs to reform its traditional arrangements and mandates for peace operations to accommodate the dynamics of instability in Africa. The AU needs to come up with strategies that are realistic and different from that of the UN to allow an effective response which aligns with Africa's needs when maintaining peace and stability. Both organisations need not take the work of regional and external organisations towards ensuring peace in Africa as an excuse to ignore their responsibilities. It is also not a green light for the UN and AU to shift their primary responsibilities to these regional organisations.

There are numerous challenges associated with the UN and AU when engaging in partnerships with each other and in partnerships with other organisations. These challenges are extremely visible on the ground as each organisation tries to address different elements of an emerging threat. Although multiple strategic plans and approaches have been developed by these organisations to help solve the problem, not all of them are aligned with each other. As such, it is important for the UN and the AU to ensure that there is no fragmented coordination when engaging in partnerships. This will certainly check the creation of future competitions between the parties involved and also check the damaging overlaps of the work of different organisations.

As Carvalho argues, it is important for both organisations and especially the AU to resolve the issue of financial deadlock within its walls.²⁷³ This is needed to ensure that sustainable frameworks are created to enable “multiple international partners to effectively work together, in structures that are predictably defined with jointly agreed upon rules of the game.”²⁷⁴ Regardless of the AU’s responsibility to be less dependent on resources from the UN and other external organisations, the UN still has the responsibility of providing sustainable and predictable support because of the role of African states as UN member states. To add to the above, due to the UN’s consideration of instability in Africa as “threats to international peace and security”, it has the obligation to give some form of assistance to the AU particularly when it’s not capable or eager to implement its individual operations in Africa. This may reduce the AU’s dependency on external support, which are often burdened with conditions and also, increase the international commitment to resolving peace and security issues in Africa.

²⁷³ See Carvalho Gustavo de. 2020. “IPI Global Observatory.” International Peace Institute. <https://theglobalobservatory.org/2020/09/future-peace-operations-african-demands-better-coordination/>

²⁷⁴ See Carvalho Gustavo de. 2020. “IPI Global Observatory.” International Peace Institute. <https://theglobalobservatory.org/2020/09/future-peace-operations-african-demands-better-coordination/>

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