



Institutional Design and the Implementation of the African Peace Security Architecture in Eastern Africa

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Abstract

The relationship between, on the one hand, the design of the African Peace Security Architecture (APSA), and implementation of APSA's institutional provisions, on the other, remains less well understood, contrary to scholarly optimism on the future of security cooperation in Africa. For instance, security cooperation in Eastern Africa portrays interlocked but dissimilar institutional features that impact APSA's implementation: some features apply only to the EAC; others encompass non-East African Community (EAC) states under the Eastern Africa Standby Force; still others interlock the Great Lakes Region with Inter-Governmental Authority on Development (IGAD) and beyond. Drawing upon field work on security cooperation in the EAC, existing studies and documents on APSA, this article analyses how institutional design affects APSA's implementation in Eastern Africa. Three design aspects are considered decision-making rules; the bindingness of security commitments; and implementation mechanisms. The findings indicate that states' overlapping memberships in both Regional Economic Communities (RECs) and Regional Brigades stretching beyond these RECs breeds decision-making overlaps, conflicting obligations, and parallel conventions with different levels of force in terms of how binding to states these instruments are. Overlapping membership also engenders implementation challenges when member States are overstretched. APSA's future, The article argues, lies in reconstituting and tailoring Regional Brigades along RECs, and enhancing RECs' politico-security cooperation in order to reduce conflicting decisions, enhance intra-REC coordination and commitment, and augment confidence-building measures among REC member-States.

Key Words: APSA; Eastern Africa; Security Institutions; Security Cooperation; Institutional Design.

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Résumé

La relation entre la conception de l'Architecture africaine de paix et de sécurité (APSA) et la mise en œuvre de ses dispositions institutionnelles n'est pas bien comprise, contrairement à l'optimisme savant sur l'avenir de la coopération en matière de sécurité en Afrique. Par exemple, la coopération en matière de sécurité en Afrique de l'Est présente des caractéristiques institutionnelles interdépendantes mais dissemblables qui ont une incidence sur la mise en œuvre de l'APSA: certaines caractéristiques demeurent au sein de la Communauté de l'Afrique de l'Est (CAE); d'autres englobent des États non membres de la CAE dans le cadre de la Force de réserve de l'Afrique de l'Est; d'autres encore imbriquent la région des Grands Lacs dans l'Autorité intergouvernementale pour le développement (IGAD) en Afrique de l'Est et au-delà. L'effet que la conception institutionnelle a sur la mise en œuvre de l'APSA en Afrique de l'Est est analysé en s'appuyant sur les travaux de terrain sur la coopération en matière de sécurité au sein de la CAE, les études et documents existants sur l'APSA. Trois aspects conceptionnels sont identifiés: les règles de prise de décision; le caractère contraignant des conventions/décisions de sécurité; et les mécanismes de mise en œuvre. Les résultats montrent que le fait que des États soient à la fois membres des Communautés économiques régionales (CER) et des Brigades régionales qui s'étendent au-delà de ces CER entraîne des chevauchements de décisions, des obligations contradictoires et des conventions parallèles avec différents niveaux d'engagement des États dans ces instruments. Ce chevauchement des membres engendre également des difficultés de mise en œuvre lorsque les États membres sont débordés. L'avenir de l'APSA réside donc dans la reconstitution et l'adaptation des brigades régionales aux CER, et dans le renforcement de la coopération politico-sécuritaire entre les CER pour la réduction des décisions contradictoires, l'amélioration de la coordination et de l'engagement au sein des CER ainsi que des mesures de confiance entre les États membres des CER.

Mots clés : APSA ; Afrique de l'Est ; Institutions sécuritaires ; Coopération sécuritaire ; Conception institutionnelle.

Introduction

The African Peace and Security Architecture (APSA) is applauded as a significant development in Africa's post-Cold War arrangements on security cooperation. This applause is informed by APSA's continental nature, scope, and structural-institutional promise. Under the architecture the African Union (AU) has adopted significant doctrinal, legal-institutional, and structural changes. Analysts of this embryonic architecture, who examine post-Cold War Africa's dynamics of regional and international conflicts and security, are not inattentive to the 'evolving regional arrangements, particularly the AU's attempts to resolve current conflicts in Africa' (Hailu 2009:63) through these changes. APSA is presented as an instrumental response to prevailing conflicts and insecurity in Africa. Other researchers trace APSA from the nonchalance of foreign powers to resolve Africa's post-Cold War insecurity, suspicions of western intensions in peacekeeping operations in Africa, and pan-African desire to use 'African solutions to African problems'. These

factors, they argue, have informed this institutional and structural change, by creating incentives for African states to attempt to construct intra-Africa security arrangements for solving Africa's insecurity (Touray 2005). These measures, undertaken under the AU, followed rounds of interstate bargains which culminated in APSA in 2002 (AU 2002b; Franke 2009; Vines 2013). Post-2002 analyses of African security institutions, therefore, underline APSA's evolution and progress (Franke 2010; Van Nieuwkerk 2011). Not enough scholarly attention, however, has been paid to the relationship between the design of this architecture and its implementation at regional level.

Institutionally, APSA is operationalised through 'Regional Brigades', which constitute the African Standby Force (ASF) as provided for in the protocol establishing the peace and security council (AU 2002b, Art. 2). These regional multidimensional forces or Brigades, consist of military, police and civilian components. They include: East African Standby Force (EASF); ECOWAS Standby Force (ESF); North African Regional Capability (NARC); SADC Standby Force (SSF); and Economic Community of Central African States Standby Force (FOMAC) (AU 2002a). The brigades were designed at a time Africa's Regional Economic Communities (RECs) embodied regionalism in Africa. Many RECs, which constitute the AU's regional-level tiers, have also embraced security cooperation. Yet these regional brigades hardly reflect, nor are they tailored along, this pre-existing regional-institutional landscape. The brigade were not fused with antedating regional organisations. This disjointedness raises serious questions regarding implementation because the way international institutions are designed influences the realisation of set goals through complex processes of operationalisation.

We need to understand whether variation in APSA's institutional design leads to variation in the nature of cooperation that follows, including the efficacy of regional institutions for resolving regional cooperation problems APSA is designed to solve. The starting point, then is to investigate how the architecture's design affects its regional-level implementation, especially in terms of regional brigades' ability to realise APSA's goals of regionalised implementation. This goes beyond the dominant scholarship which focuses on western institutional forms, relegating non-western institutional designs to anecdotes. Fortunately, recent analyses call for attention to non-western institutions to reveal how their design affects non-western international cooperation (Acharya 2009; Franke 2009; Vines 2013). This attempt to underscore non-western institutional forms engages with the 'Rational Design of International Institutions' (RDII) Project which takes institutions as dependent variables (International Organisation 2001). But studying outcomes of institutional design is not identical to studying institutions as outcomes. This necessitates analyses that address the design-implementation relationship in institutional theory.

Some researchers address institutions' impact on cooperation, but not how the design of these institutions affects the implementation of institutional provisions. Keohane, for instance, argues that institutions require hegemonic commitment to found. Powerful states use institutions to regulate theirs and weaker states' behaviours. Once founded, however, institutions can sustain cooperation even after hegemony wanes. While informed by selfish state interests, institutions do acquire independent influence on post-hegemonic cooperation (Keohane 1984): hence, powerful state interests determine the design, goals, and operations of institutions, but institutional operations in turn engender post-hegemonic institutional resilience. Ikenberry argues that post-war victors desiring transformative post-conflict stability – instead of resorting to domination and abandonment – build stable, cooperative relations. Victors make and abide by institutional commitments lest less powerful states resist the victors' institutional constructions and render it difficult for the victor to reap the benefits of institutions (Ikenberry 2001). Oran Young reveals the interplay between structural, entrepreneurial, and intellectual leadership in founding institutions, though he stresses the role of individual leaders in the process of regime formation (Young 1991). Once formed, the resulting institutions and norms, it is averred, help states to stabilise international consequences of state choices and actions, and thereby play a significant role in managing a broad array of regional and global changes in today's state system (Ruggie 1992:561). This institutional functionality thesis refutes analyses that doubt institutions' influence on state power and interests (Mearsheimer 1994/5) despite limited attention to the relationship between institutional design and institutional effectiveness.

I examine APSA's implementation challenges drawing lessons from the East African Community (EAC) whose partner states belong to the EASF but have within-EAC measures replicating the EASF. I argue that Institutional Design – the crafting of key features of a formal international security institution that codify and specify security cooperation practices – affects the implementation of specific institutional provisions. 'Design' includes decision-making rules, the extent to which security instruments and decisions are binding to states, and implementation arrangements. 'Implementation' entails actions and processes that are specified in APSA's founding documents in relation to its design elements: real decisions, respect for cooperation instruments and related decisions, and observable cooperation practices. *Decisional rules* affect actual decisions by specifying, empowering, and constraining decision makers. *Binding-ness* of security instruments limits, prescribes, and proscribes state actions and processes. *Implementation arrangements* affect cooperation practices through the mechanism of agency: converting international-security

instruments and decisions into actions requires actors with responsibilities, and specification of whether implementation is centralised to states' authority structures or delegated to intergovernmental agencies like the EASF.

Between August 2012 and November 2014, I conducted interviews with EAC officials and key informants from partner states relevant ministries and departments; reviewed documents on the EAC's security institutions, regional security frameworks to which EAC states are signatory; and analysed studies and reports on APSA's evolution since 2002. Part of the aim was to examine the regional dimension of the AU's evolving security-cooperation practices. The findings reveal that overlapping and/or multiple memberships in the EAC and EASF, which stretches beyond the EAC, create decision-making overlays, conflicting obligations upon states, and parallel security-cooperation agreements with different binding impacts. This entanglement of decisions and responsibilities creates decisional delays, commitment problems, and strains states. Implementation challenges arise as states juggle between different security commitments. I argue for reconstituting APSA by: (a) re-forming and tailoring Regional Brigades along RECs, and (b) enhancing RECs' politico-security cooperation capabilities to reduce conflicting decisions and to improve and augment intra-REC coordination, commitment, and confidence-building measures.

The rest of the article is organised as follows: the following sub-section specifies my conceptual and methodological approach. An overview of the literature on institutional design, together with an analysis of Africa's security institutions and East Africa's context, follows. The third section outlines APSA's founding documents, their principles, and implementation mechanisms specified therein. The final section tests theoretical ideas against existing evidence. It focuses on APSA's decision-making aspects; the bindingness of conventions; and implementation mechanisms. I then relate this design to APSA's general execution in relation to the EAC, before concluding with suggestions on APSA's future.

Conceptual and Methodological Issues

Keohane complains that 'institutions are often discussed without being defined at all, or after having been defined casually' (Keohane 1988:382). Limitations in existing definitions include measurement difficulties and the tendency to conflate institutions with 'regimes', 'organisations', norms and customs (Duffield 2007). Duffield prescribes a conception of international institutions 'as relatively stable sets of related constitutive, regulative, and procedural norms and rules that pertain to the international system, the actors in the system... and their activities' (2007:2-8). This definition encompasses institutions' functions, features, and landscape: for 'any particular international

institution need not contain all of these elements'. So Duffield just amalgamates, synthesises 'existing conceptions of international institutions' (ibid, p.8), only integrating ontological and functional aspects in Keohane's (1988) and Young's (1983) earlier definitions. Today's research progress on institutions does not imply definitional consensus on the concept but reflects scholar-specific conceptual operationalisation. This disagreement arises from many epistemological and ontological difficulties (Duffield 2007). I do not overcome these challenges. My concept of international institutions is biased toward, and narrows them to, formal rules and procedures, and the proscriptions and authorisations they give to specified role players. This allows me to focus on how institutions' 'design' affects operational realities in structures/organisations they engender. Institutions may produce organisations, which in turn can lead to institutional change or new institutions.

In my usage, an *International Security Institution* entails states' formal expression of commitment to operate in a specified interdependent manner in response to a given security problem or sets of security problems. 'Interdependence' here implies cooperation, both coordination and collaboration, but in no way assumes that non-cooperation among states reflects absence of institutions. My conceptualisation: (a) narrows institutions to explicit, negotiated, arrangements between States, without delving deeply into the role of individual leadership in this process (Young 1991); (b) sidesteps inter-subjective and constitutive factors that are stressed in constructivist theorising; (c) views institutions as negotiated –not imposed –outcomes of political bargaining such that if there be imposition or coercive bargain when establishing institutions, state agency and choice in institution-building would be lost; (d) views institutions as non-self-generating and non-spontaneous, but as consciously constructed in response to a given situation, to address a given problem, and/or in anticipation of a given outcome; and (e) has agent-centric bias in notions of 'negotiated arrangements' and 'conscious constructions'.

I exclude informal aspects of institutional evolution and functioning, partly in order to avoid measurement difficulties and partly because 'design' can be discerned from formal institutions. I stress rational interests because the institutions under study were deliberately constructed to address historically demonstrable insecurity: regimes are founded to solve problems, and their effectiveness is a function of 'the extent to which these arrangements succeed in solving the problems that lead to their formation' (Young 1999:109). Though Young had placed emphasis on the role of leaders (1991), he later (1999:113) considered design elements like problem structure, regime attributes, social practices, institutional linkages, and the regime's broader setting. Regime design matters because 'it serves to channel the behaviour of formal members of the regime and the wider spectrum of actors operating under the regime-member's auspices (ibid: 119).

Institutional Design here implies the features of an institutional arrangement. These features reflect the way in which interstate cooperation is [supposed to be] conducted. In security affairs, design implies codification of international security cooperation in terms of decision-making rules; whether or not security-cooperation instruments are binding; and organisational logics embodying these institutions and providing operational frameworks within which actors' behaviours are regulated and regularised. Decision-making rules specify *who* decides and *how*. Decisions may be made by Heads of States, ministerial councils, or organisational officials. The procedure may be consensus/'sovereign equality', majoritarian, or weighted voting (Steinberg 2002). Instruments like agreements and protocols make provisions on these issues. Instruments themselves are not synonymous: some are binding, others are not. More binding instruments theoretically engender greater implementation obligations for actors than less binding ones. Non-binding instruments create laxity at state and organisational levels even as they provide for state or intergovernmental actors occupying certain roles with the mandate to do (or not do) certain things. Thus, actors are made by and operate according to institutional rules. The notion of 'organisational arrangements' distinguishes institutions from organisations. It implies that though some institutions are not organised, organisations—role structures, their activities, and environment in which actors operate—embody institutions (Young 1999).

I propose that provisions on the above-specified aspects affect implementation of an international security framework: they inform actual decision-making and implementation. I distinguish decision-making rules from decision-making practice. Decisional rules inform decisional practice, but this rules-practice relationship is not necessarily straightforward. Decisional rules may lead to unintended decisional practices when they demand certain actors and procedures. Decisional rules affect decision-making practice by allowing/limiting discretion, affecting contingent decisions in related institutions (Young's 'institutional linkages' and the broader environment), and/or encouraging decisional avoidance (non-decisions) when states sense commitment problems arising from multiple, sometimes conflicting, institutional obligations. Provisions on actors' responsibilities show to what extent institutional authority is centralised (state-level only) or delegated (passed on to interstate agency). Organisation shows actors' responsibilities in line with institutional rules, but differs with *real* actors in that some provisions on how to organise an institution may lead to the creation – eventually activities – of new agencies with new roles and role-holders.

I trace elements of *institutional design* from APSA's founding instruments. I examine how these provisions affect implementation; that is, actual organisational decisions, the level of respect for cooperation instruments,

and commitment to cooperation. I focus on East Africa because: (i) states in this region belong to several security institutions: the EAC framework, IGAD and ICGLR regimes, and 'Nairobi Process' (RECSA 2004); (ii) these different institutional frameworks entail, and demand, different levels of states' commitment and assign varying legal-political obligations; (iii) the EASF's definition, under the ASF, encompasses states belonging to these different arrangements; and (iv) APSA's design appears not to have taken RECs into account, yet regionalism in eastern Africa is fluid as states belong to more than one REC and sub-regional security arrangement. These multiple memberships fuse EAC partner states with non-EAC states in the same security institutions, thus creating a complex regional arrangement.

I supplement fieldwork findings on security cooperation in the EAC with existing works, documents, and publications on APSA, ICGLR, SADC, IGAD, and Nairobi Process. To effectively understand security cooperation in the region one must inevitably grapple with these interlocking arrangements. All EAC partner states acceded to the ICGLR's security Pact (ICGLR 2006) and the Nairobi Protocol on small arms and light weapons (RECSA 2004). Tanzania has both EAC and SADC's security commitments, some of which may conflict (see SADC 2001). Kenya and Uganda belong to IGAD, EAC, and ICGLR. Some members of both the Nairobi Protocol and the EASF, like Seychelles and Comoros, belong neither to the EAC nor IGAD. This confusion affects the EAC's cooperation measures in peace and security, defence affairs, and counterterrorism (Okumu 2007; EAC 2012a & b), as the most institutionalised REC in the region.

Sufficient empirical investigation on all these arrangements is difficult in such a short space. But analysing AU-level security institutions whose implementation is decentralised to Regional Brigades can provide empirical resources for understanding regionalisation of continental security measures. The designers of the Common African Defence and Security Policy (CADSP) (Touray 2005) paid limited attention to regional coherence. The design criterion, for its regional implementation mechanisms, remains unclear. Yet this design greatly impacts APSA's implementation. The next section sums up the literature on institutional design.

Designing Africa's Regional-Security Institutions

The concept 'institutional design' echoes neoliberal institutionalism in IR. This perspective addresses possibilities for interstate cooperation in spite of, and/or under, anarchy. It critiques neorealist emphasis on anarchy's limitations to cooperation (Grieco 1988; Mearsheimer 1994/5), and presents post-World War II institutions in Europe and beyond as empirically signifying the death of realism' (Kapstein 1995; Legro & Moravcsik 1999). Some scholars address

distinctions between issue areas, arguing that cooperation is more difficult in security than in non-security (e.g. environmental, migration, socioeconomic) affairs (Jervis 1982; Lipson 1984). The rational design thesis, especially the RDII Project (IO 55, [4]) aimed to explain international institutions, that is, 'to offer a systematic account of the wide range of design features that characterize international institutions'. It considers factors like nature and/or severity of cooperation problems; actors' number, symmetry, and behaviour; uncertainty about the world and others' preferences. These factors are believed to influence design features like membership restrictiveness, scope of cooperation, level of centralisation of authority, flexibility of institutions, and control over them (Koremenos, Lipson & Snidal 2001). Duffield (2003) critiques the RDII Project over omitted variables, limitations of empirical evaluation, and scope. He blames writers for limiting conceptualisation to formal institutions and negotiated arrangements; finds limitations in case selection, operationalisation of variables, and lack of empirical support for hypothesised relations between key variables. Duffield argues that several useful independent variables, like obligation, precision, specificity, are obscured by overgeneralisation. But Duffield does not specify any theoretical, say constructivist, solutions to these problems.

This study considers how institutional design, once achieved, influences institutional operations. This is not about institutional path-dependence that would still inform institutional design (Cooper et al. 2008). It is about how certain elements of design affect institutional implementation. While one can determine how various *design features* affect *implementation* of security cooperation commitments between states, I focus on APSA's specific design elements that affect practical implementation in Eastern Africa.

The AU Peace and Security Council (PSC) is Africa's most important security institution, the main forum for promoting peace, security, and stability. However, one of the PSC's structural-design challenges is that 'overlapping security institutions at the sub-regional and continental levels', while avoiding the temptation to place 'all the continent's eggs in one institutional basket' can raise 'issues of *coordination* and *priorities* when the *memberships* of sub-regional arrangements *overlap*', (Williams 2007:1037). The simultaneity of both continental and regional institutions originates from the 1960s when the Organisation of African Unity (OAU; now AU) resolved the continentalism-regionalism debate by creating RECs (interchangeable with ROs) under the OAU in 1964 (Povolny 1966; Wild 1971). The RECs that resulted from this debate embody regional security institutions in Africa's sub-regions (see Hentz 2014:197-229; Adibe 2003). While East Africa's regionalism predates 'the new wave of regionalism' (Vayraynen 2003), security regionalism under study is a post-World War II phenomenon. I distinguish RECs/ROs from the 'AU',

a continental international organisation (IO). Though there are issue-specific, ad hoc organisations like the ICGLR, RECs in Africa are the AU's cardinal blocs. They evolved as socio-economic organisations but have been addressing security issues since the 1990s.

Studies on security regionalism in Africa take two strands: those that emphasize pan-Africanist incentives and the AU's central role; and those that stress regional specificity. According to the former, regionalism was a Pan-African struggle. Strategic considerations regarding African marginality in the global space and the need to emancipate Africa through integration drove African regionalism. This struggle bred both 'radical' and 'moderate' pan-Africanists. Radicals, like Ghana's Kwame Nkrumah, believed continental unity would constitute a strong Africa capable of securing a niche in a competitive world, and defend her dignity from potential future domination. Africa's security measures have evolved since Nkrumah proposed 'a common defence system with a single military high command' (Touray 2005:637). This arrangement would uphold the UN's principle of non-intervention and peaceful interstate relations while cushioning Africa against potential intrusions. Nkrumah's proposal sowed seeds of today's AU-level security measures.

Recently, African states adopted a Peace and Security Charter that reflected vital conceptual and operational breaks from the past. The main game changer has been the new doctrine allowing the AU to intervene in member states' affairs (Jones, Forman & Gowan 2010:18) under certain conditions. These changes are operationalised in APSA, and have encouraged scholarly optimism on security cooperation in Africa (Kent and Malan 2003; Franke 2009; Bah 2010). APSA, whose implementation is decentralised at regional level, that is, delegated to sub-regional institutions below the AU (Touray 2005:636) is seen as a major shift in governing Africa's security space. Regional Brigades can set up standby military, police, intelligence, and civilian brigades for ready deployment where needed.

Regional Brigades echo the regional specificity thesis that opposed Nkrumah's envisioned full-blown continental unity. It resonates with the views of Tanzania's Julius Nyerere and other pro-regionalism reasoners, Wild calls them 'moderates', who argued for the creation of ROs within Africa's geopolitically contiguous regions. ROs, they reasoned, would be easier to form, and would work as building blocks for continental unity. A compromise resolution of this debate led to the creation of ROs in Africa's different regions – AMU, EAC, ECCAS, IGAD and SADC – as regional governance structures under the AU (Wild 1971; Agyeman 1975; Nye Jr. 1965). ROs/RECs in Africa were originally intended to handle socioeconomic development issues, transformation in Africa, but recently adopted political and security affairs out of practical necessity. Today, security-cooperation decisions may be made at

AU level but implementation occurs at regional level where [supposedly] closely-knit states operate in a smaller intergovernmental framework.

In 2002, AU member states agreed to establish an APSA that would subsume regional security measures. It was believed that critical to a secure Africa is the AU's success in collaborating effectively with RECs, international partners, and building up better sub-regional and continental institutions that can ensure peace, security, and prosperity for Africa (Vines 2013:109). Under this arrangement, decisions made by the AU's PSC, whether or not they are funded by international partners, are implemented at regional level. RECs have the additional mandate to make and implement region-specific decisions. This design presents the ASF's Regional Brigades as operational and rapid responses with mandate and potential to address Africa's security concerns at regional level (AU, Security Council 2010). Prior understanding of APSA is crucial for critiquing these arrangements.

The AU Peace and Security Architecture

APSA signifies African states' commitment to cooperate through continental institutions and regional organisations. Scholars assume that international organisations provide conditions that are conducive to greater cooperation and interdependence among states. Organised institutions establish common organisational ties which set in motion [visible and invisible] forces that produce 'cooperative interstate behaviour' (McCormick 1980:86) APSA, which is formed as a collaboration between RECs and the AU, reflects expectations of cooperative interstate behaviour. But there are significant differences, argues McCormick, in cooperation between IOs like the AU and ROs like the EAC. ROs, he argues, are characterised by *high politics*, in the form of stronger competitive relations and power struggles between member-states, unlike more inclusive IOs. *Low politics* in IOs engenders greater cooperation; high politics in ROs inhibits cooperation. The result is the different levels of cooperation on different issues and levels of interstate engagement 'technical, noncontroversial issues (issues usually discussed in low politics organisations) are more likely to result in cooperative responses among the participants' (ibid: 86). McCormick finds that states' national attributes have limited influence on levels of cooperation, and that ROs display low cooperation levels for they handle high politics issues (ibid: 91-2) like intrastate and transnational insecurity. Thus, we expect easier cooperation at the AU than EAC level; APSA being easier to design at AU level but difficult for RECs to implement due to region-level *high politics*.

Founding Instruments and Principles

APSA's key instruments include the Constitutive Act of the AU; Protocol establishing the AU's PSC; and the MoU between the AU and ROs on peace and security cooperation (AU 2000a & b; AU 2008). States are conscious about the scourge of conflicts in Africa that impedes the continent's socio-economic development (AU 2000a), and are, at least on paper, concerned about the persistence of armed conflicts that force millions of Africans into an undignified life. The search for cooperative solutions as reflected in the Preamble of the Protocol which establishes the AU Peace and Security Council comes as no surprise (AU 2002). These founding instruments provide for a Panel of the Wise; continental Early Warning System (EWS) (Franke 2009); the ASF; and a Common Defence Policy (Vines 2013; AU 2002b, Art. 11-13), with the peace and security department coordinating their activities. The EASF's coordination mechanism and the NARC are not managed by RECs. Instead, they are stand-alone structures spanning ROs (AU 2008, Art. 1). Primarily, these instruments stress sovereign equality, independence, states' decisional autonomy, and promotion of peace and security. The Constitutive Act outlines these principles (Art. 4). I categorise these principles into three.

The first category, which I call 'Sovereignty-Preserving Principles', stress the sovereignty, independence, and decisional autonomy, of member States. They proscribe violation of state sovereignty, stress sovereign equality and interdependence; preserve colonial-demarcated borders; and demand non-interference in States' internal affairs (AU 2008, Art. 4). The second category I call 'Intervention-Threshold Principles. These principles give AU institutions some limited mandate to encroach upon internal sovereignty – under very limited circumstances. The AU may intervene in a member state pursuant to a *decision of the Assembly in respect of 'grave circumstances'*, namely war crimes, genocide, and crimes against humanity. States may also request AU intervention to restore domestic order. The AU proscribes unconstitutional changes of governments, including coups d'état; stresses respect for the sanctity of human life; rejects impunity and political assassinations; acts of terrorism, and subversive activities (ibid; Art. 9; Le Sage in Okumu 2007). These principles are limiting since their application requires two preconditions: prior authorisation by a non-technical Assembly even in 'grave circumstances'; and States' request for, or acceptance of, intervention. This may allow shame-faced states to delay or stymie intervention in affairs where they are complicit of parties.

The third category, the 'Conventional-Security Principles', define interstate defence relations and envision a common African defence policy and peaceful resolution of *interstate* conflicts, through appropriate means decided by the AU Assembly. Echoing Nkrumah's collective security ideals, these provisions

prohibit the use or threat of use of force among states, stress peaceful co-existence; and encourage self-reliance within the AU framework (Touray 2005; AU 2000b, 2002b). These principles may stifle cooperation, in contexts of state complicity, on intrastate insecurity even when cooperation might promote respect for sanctity of human life, condemn and reject impunity, and promote peace (AU 2002b). In case of complicity, States may stymie AU intervention by evoking sovereignty-preserving principles in Articles 4 of the Constitutive Act, and PSC Protocol, thereby creating decision-making and implementation difficulties. This perhaps explains why some AU missions rarely acquire States' full cooperation to restore order in conflict-affected countries. Ironically, the AU stresses pacific relations, rather than transnational and intrastate insecurity in which state complicity may stymie implementation under the guise of sovereignty (ICG 2012a & b). Hence, sovereignty-preserving principles dominate over others.

Implementation Mechanisms

APSA's implementation mechanism includes continental, regional, and national structures. The Panel of the Wise, Continental EWS, ASF, Military Staff Committee, and a Special Fund are key establishments that are central to the implementation of the architecture. The PSC is a standing decision-making organ. It has a wide range of decision-making powers and functions (AU 2002b, Art. 2; 2000b/Constitute Act, Art. 5[2]). According to Williams (2007), the PSC remains Africa's main forum for promoting peace, security, and stability; for preventing, managing, and resolving conflicts; and for ensuring a collective security and early-warning arrangement which can facilitate timely, efficient, crisis responses. The PSC was intended to help the AU in creating a common defence policy; promoting peace, security, and stability; protect/preserve life and property; and anticipate, prevent, manage/resolve conflicts through peace-making, peace-building, and post-conflict reconstruction; and facilitate the fight against international threats, like terrorism. The PSC can recommend action to the Assembly regarding intervention in grave circumstances. It would implement the AU defence policy; harmonise regional peace and security mechanisms; promote AU-UN partnerships; and make follow-ups on APSA's implementation while ensuring that external peace and security initiatives take place within the framework of the objectives and priorities of the AU (AU 2002b, Art. 3-5; Williams & Boutellis 2014).

While Williams sees the PSC as a decision-making organ, as the Protocol states, Touray (2005) understands it to be an implementation mechanism for the CADSP, a collective security policy adopted in Sirte, Libya, in 1999. The CADSP was inspired by structural changes in the international community

that forced Africans to design *African Solutions to African Problems*, a kind of ideational conviction that Africans are best suited to solve their problems through commitment, ownership, shared values (Rwengabo 2016).. Williams and Boutellis (2014:254-5) reveal that great power politics of the Cold War and the post-Cold War international normative context have influenced approaches to peace support operations in Africa, but also reveal organisational, bureaucratic, and resource constraints that stifle effective decision-making at AU and UN levels. While their study does not contradict Touray's structural explanations for Africa's changing security institutions, they do underline legitimacy struggles between the UN and AU, UN relationship with RECs, Africa's lack of united voice in New York, and APSA's design limitations that may have serious implications for implementation

Institutional Design and APSA's Implementation in Eastern Africa

This section stresses overlaps between the EAC and other security features that intersect under the EASF to unravel implementation challenges afflicting APSA. After outlining the Eastern Africa context, I focus on: decision-making; how binding security conventions/decisions are; and implementation mechanisms. I argue that overlapping memberships in both RECs and Regional Brigades create decision-making overlaps and conflicting obligations, hence overstressing member States.

The East African Context: Insecurity and Security-Cooperation Measures

Three situations typify Eastern Africa's politico-security landscape: transnational armed rebellions with regional security implications; political instabilities resulting from political violence; and failure of extra-Africa efforts to address these issues due to foreigners' complicity, interests, and motives in these security issues; limited grasp of their causal and transformative dimensions of these conflicts; and the conflicts' sheer complexity. Non-traditional threats, like proliferation of SALWs, terrorism, and human/drugs trafficking worsen the situation. Though these issues are intricately linked, terrorism remains the greatest threat. Equally significant, transnational armed rebellions in geopolitically contiguous regions facilitate SALW proliferation and market-channel these arms; transform to international terrorism via networks with terrorist groups, or using terrorist tactics (Findley & Young 2012; Boas & Dunn 2014); weaken states; and create refugee problems. Save for Tanzania, most countries in Eastern Africa have experienced rebel conflicts (Reyntjens 2009; Prunier 2004; Gersony 1997). Some rebel groups have safe havens, training grounds, operational bases, and recruitment sources

in neighbouring states' mountainous regions and forested terrains. Others echo transnational ethnic conflicts, and fuel security tensions between neighbouring states, thus transforming into transnational ethno-political conflicts and proxy wars (Prunier 2004; Rwengabo 2014).

Another dimension of insecurity – political instabilities – results from and also facilitates armed conflicts. Rwanda-Burundi, Somalia, and post-Amin Uganda experienced political instability, creating endless spirals of political ² occurred against Kenya in 1981. A combination of proximity to Somalia and Sudan; apparent globalisation of, and involvement in, the complex regional security politics of Northwest Asia (aka the Middle East) through close ties with Israel; disgruntled religio-cultural groups in the region; civil conflicts in the Uganda-Sudan-Ethiopia axis; state failures in Zaire/DRC; and underdevelopment, have made East Africa a 'soft target' and victim of global and regional terrorism (Okumu 2007; Rwengabo 2014). Therefore, sub-regional security arrangements have joined global and continental counterterrorism measures.

Previous international efforts to address these security problems have failed: in 1993 the US withdrew from Somalia, forcing the Somali state to collapse despite an active international community (Rwengabo 2016). The world failed to prevent/stop Rwanda's 1994 genocide despite cries from Kigali for the same (Melvern 2000). South Sudan's conflict was prolonged and left the southern region devastated despite the recent cessations (Le Riche & Arnold 2012). There is a general failure to muster solutions to Africa's insecurity which has forced the UN to work with African organisations (Boulden 2003). These failures forced African states to find regional solutions, through ad hoc *tripartite arrangements* (Vinci 2009; Atkinson 2009 that also are not devoid of states' interests which limit these missions (Donnelly 2012;; Fisher 2012). With the sheer enormity and persistence of insecurity; threats to foreign interests in the region; straining state/national resources; degeneration of some security issues into grave circumstances; retardation of socioeconomic development; the realisation that cooperation is a judicious, rational response, led to APSA. APSA includes parallel conventions/agreements, some more binding than others. To clarify these overlaps, I present Eastern African states' connexions to different regional-security arrangements (Table 1) before addressing design elements.

Table 1: Sub-Regional Security-Cooperation Arrangements in Eastern Africa²

Country	Membership to the APSA/EASF	Membership to Sub-Regional Security-Cooperation Arrangement					
		EAC	ICGLR NREC	NP NREC	IGAD	SADC*	ECCAS*
Burundi	✓	✓	✓	✓			
CAR**			✓				✓
Comoros	✓			✓			✓
Congo Rep.**			✓				✓
DRC**			✓	✓		✓	✓
Ethiopia	✓			✓	✓		
Djibouti	✓			✓	✓		
Eritrea				✓	✓?		
Kenya	✓	✓		✓	✓		
Rwanda	✓	✓		✓			
Seychelles	✓			✓		✓	
Somalia	✓			✓	✓		
South-Sudan			✓	✓	✓		
Sudan	✓		✓	✓	✓		
Tanzania		✓		✓		✓	
Uganda	✓	✓		✓	✓		
Zambia**			✓			✓	

Key: * Indicates RECs outside Eastern Africa, but whose member states share security arrangements with Eastern African states.

Key:** indicates non-EAC Partner States sharing same security institutions with EAC Partner States and other Eastern African states. NREC: indicates that the organisation is not a REC/RO, but is an issue-specific intergovernmental organisation.

From Table 1, states in Eastern Africa and the Horn belong to different, overlapping RECs, and other ad hoc sub-regional security cooperation arrangements with different levels of legal and institutional demands. Of vital interest, provisions overlap since the same states concurrently belong to different institutions. States are therefore strained to meet their obligations in each security framework. Maintaining commitment in such a manner requires financial, human resource, and time expenditure, which drains states. It creates decision-making and implementation difficulties. Williams and Boutellis (2014:262) underline membership overlaps that typify APSA's institutional design: 'Notable are the different but sometimes overlapping memberships of the eight RECs, the five regional standby forces, and the five regions.' This becomes clear when we examine key elements of this institutional design: decision-making; the binding-ness of security instruments; and implications for implementation (Table 2).

Table 2: Relating Design Elements and Regional Security Arrangements

APSA's Design Elements	Regional and Sub-regional Cooperation Arrangements		
	EASF	EAC	Others (ICGLR, IGAD, Nairobi Process)
Decision Making	AU decisions: Assembly; Council with advice from Panel of the Wise. Consensus and/or majority decisions	Ministerial Council Sectoral Councils only (Summit Policy Guidance)	Ministerial Councils & Assemblies; Technical officials' input Majority decisions
Bindingness of Instruments & Decisions	Dependent on state acceptance; not binding	Binding once ratified. Must be implemented domestically	Dependent on state acceptance; not binding
Implications for Implementation	State willingness State contributions No institutional pressure to ignite political will Institutional incoherence	Both regional and national mechanisms Part of national policy High-level obligation Legislative pressure to enhance political will	Ad hoc mechanisms Limited interactions & regional institutions to ignite political will Low-level obligation

From Table 2, different regional security arrangements have different decision-making rules. These rules impose different obligations upon member states. Compared to EAC protocols, security instruments in Eastern Africa are not binding to signatory states. There is no institutional pressure to mobilise the necessary political goodwill to implement these agreements as is mounted by the EAC's Legislative Assembly (EALA). While the EALA may not compel Council and/or Partner States to act, it is recognised as an EAC organ with mandate to liaise with national legislatures, approve Community budgets, and pass bills which, once assented to by all states, become legally-binding Acts of the Community (EAC Treaty, ch. 9). Therefore, unlike other regional arrangements based on non-binding instruments, EAC provisions on decision-making and responsibility result in legally-binding decisions and obligations that provide opportunities for at least minimum institutional pressure, within and beyond the EAC, for implementation.

Decision-making Procedures and Responsibility

APSA's sovereignty-preserving principles, revealing the state system's desire to preserve its constituent part, the sovereign State, show that states co-preserve their monopoly power to decide what issues belong to the realm of coercion that states arrogate to themselves, and which issues belong to other realms that are delegable to IOs/ROs. This self-preservation imperative inheres in the UN's non-intervention norm, and AU proscriptions on interference in states' internal affairs. Transnational security issues may naysay these principles, but cannot erase them (Thomson 1995; Rwengabo 2014b).

Two key issues relate to decision-making procedures and responsibility: *who* decides; and *how*. In East Africa, political leaders make decisions through consensus.³ The AU Assembly and Executive Council make most decisions through consensus. Where consensual decisions remain elusive a two-thirds majority of AU member-States decides for the organisation. There may be procedural matters, including whether a matter is one of procedure or not, that are decided by a simple majority. But consensual decisions are favoured to ensure unanimity because the Assembly's or Council's quorum requires two-thirds of the total AU membership (AU 2000b, Art. 7, 11). Consensus decision-making negates status in East Africa, equalising voting power and representation. Unanimity enhances decisions' ownership (Steinberg 2002:339). Though consensus need not result in soft law, as Steinberg argues, it allows East African states to eschew difficult commitments. Under APSA, Heads of States and foreign ministers from PSC members can make peace and security decisions in closed meetings from which member states that are party to the conflict are excluded after presenting their cases (AU 2002b, Art. 8[9]). The PSC, again, uses consensus or majoritarian decisions as appropriate (Art. 8[13]).

Apart from the foregoing, structural and operational challenges affect APSA's implementation. It informs decision making through its advisory role to the PSC. It is composed of five highly respected African personalities (AU 2002b, Art. 11) selected by the Commission chairperson in consultation with the PSC's 15-Member States. It advises the Council, Commission chairperson, and member States, on security matters. It can take necessary action to support the Council and Commission in preventing conflicts, promoting, and maintaining peace and security. These personalities can act as mediators, advisors, adjudicators in conflict situations (ibid) through consultations.

Implications for Implementation

As McCormick would argue, consensus is difficult in East Africa. It can potentially stifle decisions on contentious issues as negotiations on the EAC Mutual Defence Pact showed.⁴ Decision makers are shielded from alternative, non-council, institutional pressure, making decision-making bodies unaccountable. Such bodies are also obliged by multiple security arrangements, a situation which forces them to avoid conflicting decisions as happened when the EAC failed to send a joint peacekeeping force to Somalia.⁵ Within the EAC, critical decisions are sometimes stifled. States tend to insist on self-reliance, evoking the non-intervention principle. For example: when the EALA demanded regional solutions to Uganda's Lord's Resistance Army (LRA) rebellion, James Wapakhabulo, then Uganda's foreign minister, told the Assembly that '*the question of the conflict in northern Uganda... has not been articulated in East Africa because it always remained a Ugandan problem, and a northern Ugandan problem*' (EALA Debates, 200 May 2003:45). The Assembly's efforts became futile because EALA had no mandate to compel Council or Summit to act even where Uganda had failed to end the LRA rebellion (EALA Debates 2003; 2004; 2008; Atkinson 2009).

Once states monopolise decision-making power without provisions for – at least conditional – compulsion, states may avoid or stifle some cooperation decisions. The EAC could not hark back to the EALA pressure. Were EALA an autonomous institution with the mandate to assess the gravity of insecurity and decide whether and how to intervene, its LRA-related decision might have been made and implemented. The AU Assembly, under APSA, cannot make legally binding decisions. Under EASF, decision-making rules are unclear. If the EASF was an EAC institution, the EAC ministerial Council would make binding decisions through EAC decision-making procedures. Findings from East Africa indicate that States' emphasis on self-sufficiency in the security realm; suspicions about potential intervening States; and in case of intra-state insecurity, the costs of dependence on the RO for states'

domestic self-control, all constrain cooperative security decisions (Field Interviews, East Africa 2012). Another example: international pressure was mounted against a then-uncooperative Sudan before the UNAMID. But the international community failed to recognise Sudan's Darfur crisis as 'genocide', hence denying itself the moral-legal high ground for contravening Sudan's sovereignty (Donnelly 2012:271-3). IGAD stood almost aloof, failing in Somali conflicts. Non-binding and contradictory conventions and decisions, such as who/how to determine the seriousness of 'grave circumstances', are difficult to implement when actors are required to respect sovereignty.

How Binding are Security Conventions?

'Intervention-Threshold Principles' give the AU institutions some limited mandate to intervene, to encroach upon States' domestic sovereignty under very limited circumstances. Seemingly promising in some contexts, the requirement of state acceptance undermines this ideal. States will hardly admit they require intervention in their internal security affairs unless at the verge of collapse, already collapsed, or are intervened against as Uganda-Rwanda-Burundi did against the DRC during the 1990s. This, again, echoes Uganda's resistance to EALA pressure over the LRA. Since the AU protocol and MoU operationalise the Constitutive Act, their intent is consistent with addressing 'the continued prevalence of armed conflicts in Africa' that have 'forced millions of our people' into deplorable conditions (AU 2002b). But none of them is binding; neither are their overlapping regional instruments. Coordinating and harmonising Africa's 14 RECs; having at least two of these RECs in each of Africa's sub-regions; and fusion of mandates and functions between RECs, implies membership to more than one REC. These multiple, overlapping, memberships constitute a "spaghetti bowl", a lumping up of things which hinders regional integration. This is done by creating "a complex entanglement of political commitments and institutional requirements", which, subsequently, increase costs of conducting political and security bargains, decisions, and implementation (Drappa, Halleeson & Alves 2007:1). Most African States cannot allow, if manage or even afford, multiple legally-binding commitments.

It is ironical, therefore, that many governments have made commitments with conflicting agendas in multiple organisations. This renders questionable their commitment to rules-based governance, and member-states' appreciation of whether these institutions are actually rules-based dispensations (Hartzenberg 2011:18). Overlapping instruments can be binding but to different degrees. Though respect for agreements is a function of many factors⁶, the binding-ness of APSA instruments to signatory states differs from that of RECs' instruments. This becomes clear when we compare APSA and EAC's

security-cooperation instruments: Tanzania is not a signatory to the EASF's MoU, but is to the SADC protocol. Other signatories to the EASF MoU are not EAC partner states. Of the 11 signatory states, only four are EAC partner states. The EAC has developed parallel, more binding (though not inviolable) security protocols, one on defence cooperation upgrading the 1998/2001 MoU; another on peace and security cooperation (EAC 2012), with similar provisions to EASF instruments. EAC protocols are binding for they are appendages to the EAC Treaty. Once ratified, they are domesticated in national laws (EAC, 1999, Treaty Art. 62-3; Ch. 23). This replication shows that security measures that are parallel to the EAC are nonbinding to EAC partner states, and have no legal effect on the strategic direction of the EAC and its partner states. This breeds differences in levels of commitment.

Kenya and Uganda are also members of IGAD. But 'IGAD does not have an equivalent of the PSC that is distinct from its overall political organs: the Assembly of Heads of State and Government, and the Council of Ministers, *and there are no plans to constitute one in the near future...* It does not have the equivalent of the MSC [military staff committee], but an ad hoc panel of Chiefs of Defence Staff has been convened to provide advice on military issues such as its planned peace operation for Somalia which never materialized' (AU 2010: 24). Therefore, these states have less security commitment in IGAD than Tanzania has in SADC. And none of these states has legally-binding obligations in EASF or SADC like they all have under the EAC, indicating different levels of obligation and commitment. No SADC protocol is as binding as EAC protocols. Accordingly, only EAC instruments are binding to partner states, and accordingly, states are more likely to respect EAC instruments than IGAD, ICGLR, SADC, or EASF instruments.

Implications for Implementation

Why implement nonbinding instruments? For reputation's sake, national interests, or sheer ideology? Why not make them binding if reputation, ideology, national interests, strategic and tactical considerations are important? One need not answer these questions any more than reveal contradictions resulting from the design of these institutions. APSA's institutional design contradicts security cooperation in the EAC on grounds of state commitment. Overlapping memberships in eastern Africa create conflicting obligations on the same security issues. Under the design, EAC instruments conflict with SADC instruments. Signatories to the SADC Mutual Defence Pact declared 'that none of the international agreements between them and any Third Party is in conflict with the spirit and provisions of this Pact', and that 'where an existing agreement is inconsistent with this Pact, State parties concerned shall take steps to amend the agreement accordingly' (SADC

2003, Art. 16). Tanzania faces commitment problems since EAC security protocols may contradict SADCs. This explains Tanzania's hesitation during negotiations for the EAC Defence Pact. This forced Kenya, Uganda, and Rwanda to sign a trilateral Pact (Field findings; Masereka 2014). The trilateral Pact is not an EAC instrument as it lacks EAC-level consensus. If it were consensual, again, it would be more binding than the SADC Pact. It might also contradict the Dar es Salaam Declaration and other ICGLR instruments (ICGLR 2004). The EASF's framework does not correct these overlaps.

Equally nonbinding are 'Nairobi Process' instruments. This 'process' regionalises the Bamako Declaration on SALWs (AU 2000a). It followed Africa's protracted engagement of the broader international community after Mali's President Alpha Oumar Konare requested the UN Secretary-General, Boutros Boutros-Ghali, for support to collect SALWs then circulating in post-civil war northern Mali (Donowaki 2004). Under the coordinated Agenda for Action and the Nairobi Protocol, states agreed to cooperate in controlling the circulation of SALWs in the region (RECSA 2000). Five signatories to the protocol, that is Djibouti, DRC, Eritrea, Sudan, Ethiopia and Seychelle, are not EAC partner states. Simultaneously, the EAC's peace and security protocol provides for cooperation on SALWs within the 5-member EAC.⁷

From APSA's design, Regional Brigades are implementation mechanisms for the ASF (Vines 2013; Franke 2009). But in East Africa implementation is difficult because EASF member-states have obligations under the EAC, IGAD, SADC, ICGLR, and the Nairobi Process. These obligations should have been streamlined under APSA. The EASF is based on a non-binding MoU. Always a 'gentleman's agreement'⁸, the MoU relies on states' goodwill about a regional agency to monitor compliance or restrain noncompliance. By their nature, MoUs need not have enforcement and monitoring mechanisms like the EAC's nascent peace and security directorate. These missing elements constrain security cooperation because: first, states are not pressured to honour commitments beyond difficult-to-harmonise unilateral interests; second, regional brigades may not acquire the critical resources needed to implement APSA in case of States' reluctance; and third, states may relax out of apathy or sheer exhaustion.

General APSA Implementation Challenges

Apart from the foregoing, structural and operational challenges affect APSA's implementation. The AU's EWS was intended to create a *Situation Room* at the conflict management directorate, collect and analyse data based on an appropriate early warning indicators module but remains on paper. This is partly because of resource limitations but mainly due to states' desire to retain authoritative control of some aspects of the security realm. Franke

(2010: 85) observes a strong 'Westphalian state in Africa', which is averse to external interference and ensures that security cooperation is not inimical to state sovereignty (ibid: 85-6). If APSA's implementation requires regional EWSs, and the EAC alone is constructing an Arusha-based EWS (Interview: GIZ officials, 2012), it remains questionable whether the EAC's EWs would serve all EASF signatories. Remaining to be fully constituted are the EASF's supposed standby multidisciplinary contingents, civilian and military components based in their countries of origin and ready for rapid deployment at appropriate notice.⁹ A meeting of Eastern Africa Chief of Defence Staff (CDS), held 16-17 February 2004 at Jinja, Uganda, discussed the policy framework for the establishment of East African Standby Brigade (EASBRIG) as one of Africa's regional standby forces (AU 2010:40). An MoU was signed on 11 April 2005 and came into force on 11 May 2005 (IGAD 2005; AU 2010:39-42). But it remains to be implemented as the EASF's Development Plan, 2010-15, remains to be fully implemented (AU 2010:39-42). EASF structures were, until recently, not yet fully established.

A skeletal structure was scattered across Nairobi and Addis Ababa. The EASBRIG's logistical base and headquarter in Addis-Ababa is still operationally weak, and had only three professional staff. The resulting limited coordination stifled the Brigade's day-to-day operations and delayed implementation of some agreed activities. Other constraints to the operationalisation of the Brigade include: increasing internal tensions within the region; internal tensions and conflicts in the member States; persistence of piracy and terrorism in Somalia; inadequate funding to support all EASF activities; limitations in regional contribution to forces due to inability or unwillingness of member States to commit forces to the EASF; and difficulties in coordinating the various structures constituting the EASF. There were also difficulties in regulating partnerships; limited technical and financial support for strategic planning; *limited communication with ROs (mainly the EAC and IGAD)*; absence of binding security-cooperation instruments; and *constraints in political, diplomatic, and military regional cohesion* that would provide the glue that holds these actors together (AU 2010:42). None of these challenges has been exhaustively addressed since 2010.

Equally, the Peace Fund suffers limitations. Intended to provide necessary financial resources for peace support missions, operational activities, and day-to-day running of the council' from within Africa (AU, 2002b, Art. 21), the Peace Fund raises concerns regarding the funding of peace operations. It remains small. Only 6 per cent of the Council's regular budget is allocated to the Peace Fund. Assessed contributions from member states were not done timely, the agreed reimbursement within six months of states contributing contingents to peace support operations, as provided for in the

Protocol, is not always honoured (AU 2010:59). In the EASF's geopolitical space, the AU Mission in Sudan (AMIS) and AMISOM demonstrated the AU's reliance on external funding to finance peace operations (Williams & Boutellis 2014:271-4). States had done little to show national and collective commitment that would take destiny of the region and the continent in Africa's own hands by providing sufficient resources for peace operations. Instead, African missions still rely on external support in form of funds, logistics, training and equipment. The AU itself finds difficulties regarding mandates of its missions (Williams, 2014: 71). These funding constraints also afflict the UN, whose peacekeeping budget alone is estimated at around \$5 billion yet its total budget be around \$3 billion, much less than its peacekeeping component alone requires.

Like the EASF, the SADC regional brigade suffers tensions between member States, resource constraints, intrastate governance issues, and limited interstate coordination as SADC's Secretariat is powerless wide policy implementation (ICG 2012a). Nathan observes states' reluctance to surrender sovereignty to regional security regimes with binding rules and decision-making (Nathan 2006:605) as reflecting lack of political goodwill, and not structural and resource capacity. This is so because states would like to preserve their right to manage internal political processes, hence the lack of commitment to harmonise national policies at the regional level (ICG 2012a:26). In Central Africa, sovereignty concerns and organisational weaknesses afflict the FOMAC. Decisions that need to be made on in-house issues are highly centralised. The decisions have to be made by consensus among member States; instead of generating cohesion among regional actors, states avoid sensitive issues on which they differ (ICG 2012b:i). Consensus, it is argued, can be intended to protect state sovereignty, and to reign in organisational autonomy for consensual processes ensure that no obligation can be imposed without each state's agreeing to it the duty (Haftel and Thomson 2006:256). ECCAS member-States, therefore, lack the desire for an assertive political and security cooperation arrangement for such would raise questions about their opportunism, could prompt national desires for regional leadership in solving domestic security problems, and possible render the legitimacy of ruling regimes questionable (ICG 2012b:i). These fears are at the root of an improper institutional design, leading to overlapping institutions like EAC, ICGLR, and the Nairobi Process.

From the foregoing, limited national political commitment; non-binding instruments; and contradicting states' obligations hinder APSA's implementation. Political goodwill is vital because it reduces the self-interest of nation-States, which, it has been argued, continues to constrain APSA's success (Vines 2013:109). Addressing self-interest requires integrated

institutions. Yet APSA's design cannot circumvent self-interest. In East Africa, for instance, when the AU requested states to contribute forces for AMISOM, only Burundi and Uganda, within the EASF, did so. A reluctant Kenya first unilaterally invaded Somalia, later joined AMISOM.¹⁰ To date the ESF, whose standby brigade was expected to be operational by 2010, is not fully functional as the process of *establishment* remains ongoing. If self-interest drove states' intervention in Somalia (Fisher 2012), institutional coherence would have fused states' interests to a degree that APSA's implementation in East Africa is rendered easier. Therefore, APSA's future depends on a more coherent institutional and organisational design.

Conclusion: REC-compatible Regional Brigades and APSA's Future

APSA's future lies in reconstituting and tailoring Regional Brigades along RECs, and enhancing RECs' politico-security cooperation capabilities. This has three implications: (a) reducing conflicting decisions and overlapping decisional obligations; (b) enhancing REC member-States' commitment and coordination, erasing conflicting obligations, and relieving overstretched states; and (c) augmenting confidence-building measures within RECs. There are three steps for creating a REC-compatible APSA. First, restructuring the institutional and organisational dimension of Africa's regional security cooperation ensures structural coherence. The ROs/RECs should be reconstituted such that 'the five regions that are used as the basis of membership' to the PSC (Williams and Boutellis 2014:262) under 'the principle of equitable regional representation and rotation' (AU 2002b, Art. 5[2]), constitute both RECs and Regional Brigades. This may necessitate pressuring states to improve their governance credentials in order to qualify for admission in the reconstituted ROs, consistent with the Constitutive Act of the AU, the PSC Protocol, and other good governance conventions (AU 2000b; AU 2002b). It also requires merging some RECs altogether, with *new states joining as is* to avoid costs of renegotiating existing cooperation instruments. Existing decision-making rules, procedures, and responsibilities in the RECs, like multi-level consensus in the EAC (EAC 2001), should be maintained, and protected against intra-organisational coalitions and fractures.

Second, encouraging states to cease multiple memberships in different organisations would ensure coherence and cohesion, avoid inter-RO conflicts, and enhance intra-RO confidence building. For instance, there was an already-established tradition of undertaking joint manoeuvres and military exercises between Kenya, Tanzania, and Uganda (AU 2005:29). EAC Partner States built upon this tradition to undertake defence confidence-building efforts, which involve joint exercises, training, technical cooperation, and intelligence

sharing (Onyonyi 2014; Rwengabo 2014b). It seems easier for security forces from the EAC to operate together, to share command and control structures, than between them and forces from ICGLR, Nairobi Process, and IGAD signatory states. Once states reduce overlapping memberships, they will reduce conflicting obligations and commitment problems. Tanzania, for instance, faces commitment problems if it accedes to the EAC Defence Pact yet EAC partner states, mainly Rwanda and Uganda, had security interests in the DRC, a signatory to the SADC Pact.¹¹ It is not geopolitically easy for the EAC to harmonise its Mutual Defence Pact with SADC's Pact or to leave Tanzania to decide, under the principles of respect for state sovereignty and decisional autonomy, which Pact to accede to. As an EAC founding state, Tanzania matters strongly and cannot stand aloof to the EAC's evolving security cooperation. Therefore, by avoiding multiple memberships, states eschew conflicting decisions and obligations; promote intraregional cohesion and coherence necessary to strengthen Regional Brigades; and enhance intra-regional unity.

Finally, strengthening these reconstituted and restructured RECs' security-cooperation capabilities is important for regional-level realization of APSA's objectives. This can be achieved in three ways: (i) establishing and strengthening regional agencies whose mandates are not duplicated at national level; (ii) widening, deepening, and regularising security cooperation practices in order to build regional cohesion; and (iii) AU-level coordination and monitoring of RO/REC operations with the view to providing continental lessons from best practices. Regional agencies, such as the EAC's peace and security directorate, can 'set in motion forces that produce cooperative interstate behaviour' (McCormick 1980:86) by making and implementing technical decisions on behalf of states. Consider the EASF's Coordination Mechanism; RECSA's Nairobi-based secretariat; the EAC's evolving peace and security directorate; and ICGLR's Bujumbura-based Secretariat. These organisations scatter state efforts and resources yet they handle the same issues. The same political and security officials, from the same states, attend meetings, make decisions, and bear responsibilities in all these agencies.

Were these organisations merged into a single regional agency, officials would be less burdened, interact more regularly, make and implement decisions faster, and build a cooperation culture and networks owing to regular interactions. These organisations would be based on the same instruments. Giving regional agencies the force of law within signatory states, like EAC instruments are, allows organisations to make and implement binding decisions, thereby easing security cooperation practice. These practices of information sharing, joint trainings and exercises, joint operations, jointly seeking international support can enhance interactions and reduce interstate

suspicions. Finally, once cooperation practices are consistent and coherent, their coordination through continental institutions becomes easy for the AU's PSC, the AU Commission, and ASF coordinating office. This will ultimately reduce conflicting decisions, enhance RO member-states' commitment, improve coordination within ROs and between ROs and the AU, and augment confidence-building measures that are needed to retain intra-RO and inter-regional cooperation and harmony. This is consistent with the unfamiliar view that states need to yield minimum sovereignty to regional institutions in order for such institutions to operate effectively (Cooper *et al.* 2008).

Notes

1. Martin Ogango, Interview, Arusha, August 2012.
2. See founding instruments on the tabulated organisations.
3. Field interviews, Nairobi, Arusha, and Bujumbura, August 2012.
4. Field findings, August-December 2012.
5. Ibid.
6. These may include: states' historical experiences, external pressures, the nature/extent of shared interests, availability and legitimacy of hegemonic sanctioning mechanisms, level of socio-cultural integration, ideological similarities, institutional path-dependence, and length of time states take to construct cooperative institutions.
7. The EAC's membership was recently increased from five (05) with the admission of South Sudan
8. Expression used to describe the EAC's MoU in Defence Cooperation: Wilbert T.K. Kaahwa, Interview, Arusha, 21 Sept. 2012; Javerson Kamugisha, Interview, Kampala, 5 Oct. 2012
9. See e.g. <http://www.easfcom.org/index.php/news/latest-news/52-eacds-rwanda1>; and Daily Monitor, 2014, 'Uganda to provide 700 UPDF officers towards regional force', Kampala: Daily monitor (<http://www.monitor.co.ug/News/National/Uganda-to-provide-700-UPDF-officers-towards-regional-force/-/688334/2363662/-/qy18h0z/-/index.html>), (all accessed 11 July 2014)
10. Interview with Amb. Gen (Rtd). Narthan K. Mugisha, Kampala, October 2012.
11. Confidential interview, East Africa, 21 September 2012.

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