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بعث أفريقيا الغد في سياق التحولات المعولمة :

رهانات و آفاق

Instrumental Design and the APSA'S Implementation in Eastern Africa

Sabastiano Rwengabo



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The relationship between the design of Africa's international-security institutions and the implementation of the African Union Peace and Security Architecture remains less well understood contrary to scholarly optimism on the future of security cooperation in Africa. For instance, security cooperation in Eastern Africa has interlocked but incongruent institutional features impacting the APSA's implementation: some revolve around the East African Community; others encompass non-EAC states under the Eastern Africa Standby Force; others interlock the Great Lakes Region with IGAD and beyond. Drawing upon fieldwork on security cooperation in the EAC, and existing studies and documents on the APSA, I analyse how institutional design affects the APSA's implementation in Eastern Africa. I consider three design aspects: decision-making rules; the binding-ness of security conventions/decisions; and implementation mechanisms. My findings indicate that overlapping memberships in both Regional Economic Communities and Regional Brigades stretching beyond the RECs breeds decision-making overlaps and conflicting obligations; parallel conventions with differential binding impacts; and engenders implementation challenges overstressing member States. The APSA's future, I argue, lies in reconstituting and tailoring Regional Brigades along RECs, and enhancing RECs' politico-security cooperation in order to reduce conflicting decisions, enhance REC member-States' commitment and coordination, and augment confidence-building measures among REC member-States.

Africa's current insecurity predicament is neither a natural nor an inevitable state of affairs. It is the product of human choices taken under the influence of powerful international forces such as colonialism, capitalism, statism and globalization, as well as factors more specific to Africa. True security in Africa must therefore be about changing odious configurations of power and authority, and finding alternatives to the business-as-usual mentalities that got the continent where it is today.

Paul D. Williams, 'Thinking about Security in Africa'



Introduction

The African Peace and Security Architecture (APSA) is applauded as a significant development in Africa's post-Cold War security cooperation arrangements. This is partly due to the legal-institutional, doctrinal, and structural changes that African Union (AU) member-states agreed to undertake in this architecture. Analysts of this embryonic security framework address the "regional and international dynamics of conflict in post-Cold War Africa" and the "evolving regional arrangements, particularly the AU's attempts to resolve current conflicts in Africa"¹ through doctrinal and structural changes needed to meet Africa's security needs. The nonchalance by foreign superpowers who had sowed seeds of Cold War tensions in Africa, suspicions of western intensions in peacekeeping operations in Africa, and the pan-African desire to use "African solutions to African problems" informed this institutional and structural change.² Since the 1990s, therefore, states have attempted to construct intra-Africa security arrangements for solving Africa's security problems. Under the AU umbrella, these measures followed rounds of interstate bargains leading to the APSA.³

Post-2002 analyses of African security institutions address these regional and continental arrangements.⁴ But less systematically do they examine the relationship between the design of these institutions and the APSA's implementation. The APSA is supposed to be operationalised through "Regional Brigades" which constitute the African Standby Force (ASF): 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).⁵ Some "Brigades" are parallel to Africa's Regional Economic Communities (RECs) which have embraced security cooperation too. Since the way international institutions are designed influences the realisation of set goals, there is need to "investigate how institutional design affects the effectiveness of institutions, in terms of their ability to realise the goals they set for themselves" and "the extent and quality of cooperation."⁶ Such an analysis of non-Western institutions reveals how institutional design affects international cooperation, while engaging the "Rational Design of

¹ Solomon Hailu, 2009, 'A New Start for African Security', *International Journal on World Peace* 26(4):63-73 (p. 63)

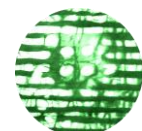
² Omar A Touray, 2005, 'The Common African Defence and Security Policy', *African Affairs* 104(417):635-656

³ AU, 2002, *African Peace and Security Architecture (APSA)*. Addis Ababa: AU; Alex Vines, 2013, 'A decade of the African Peace and Security Architecture'. *International Affairs* 89(1): 89-109; Benedikt Franke, 2009, *Security Cooperation in Africa: A Reappraisal*. Boulder and London: FirstForum Press; AU, 2010, *African Peace and Security Architecture (APSA): Assessment Study*. Addis Ababa: AU Security Council (accessed from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>, 4 February 2013)

⁴ Franke, 2010, 'Precis of Security Cooperation in Africa: A Reappraisal', *African Security Review* 19(2):84-96; Anthoni van Nieuwkerk, 2011, 'The Regional Roots of the African Peace And Security Architecture: Exploring Centre-Periphery Relations', *South African Journal of International Affairs*, 17(2):169-189

⁵ AU, APSA, pp. 37-49; Vines

⁶ Amitav Acharya and Alastair Johnston, 2007, 'Comparing Regional Institutions: An Introduction', in Acharya and Johnston eds., *Crafting Cooperation: Regional International Institutions in Comparative Perspective*, New York: Cambridge Univ. Press, p. 13



International Institutions” (RDII) Project⁷ which takes institutions as dependent variables. Studying outcomes of institutional design is not identical to studying institutions as outcomes.

Yes: some researchers address institutions’ impact on cooperation, but not how institutions’ design affects their implementation. Some reveal how powerful states use institutions to regulate theirs and weaker states’ behaviours. Keohane, for instance, argues that institutions require hegemonic commitment to found. Once founded, they can sustain cooperation even after hegemony wanes. Hence, institutions are outcomes of state interests but later acquire independent causal influence.⁸ Ikenberry studies post-conflict institution building. He argues that powerful states desiring transformative post-conflict stability—instead of domination or abandonment—build stable, cooperative relations. Victors restrain their power and make commitments through institutions lest less powerful states resist the victors’ institutional constructions.⁹ Thereby, institutions promote close interstate association, ensuring stable and predictable relations. These “multilateral institutions and norms have helped stabilise their international consequences” and “appear to be playing a significant role in the management of a broad array of regional and global changes in the world system today.”¹⁰ This refutes analyses that doubt institutions’ influence on state power and interests.¹¹ We need to know “how institutional design affects the effectiveness” or the APSA’s execution.

Herein, I examine the APSA’s implementation challenges in relation to the East African Community (EAC) whose partner states belong to the EASF, and have within-EAC frameworks that are parallel to the EASF. I argue that Institutional Design—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, how binding to states instruments and decisions are, and implementation arrangements. “Implementation” entails taking actions and processes specified in the APSA’s founding documents in relation to its design elements: real decisions, respect for legal instruments and related decisions, and observable cooperation commitment. Decisional rules affect actual decisions by specifying, empowering, and constraining decision makers. Binding-ness of security institutions limits, prescribes, and proscribes state actions and processes. Implementation arrangements affect actual cooperation practices through the mechanism of agency: converting international-security instruments and decisions into actions requires actors with responsibilities, and organisational arrangements that specify whether implementation is centralised to states’ authority structures or delegated to intergovernmental agencies like the EASF.

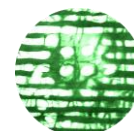
⁷ **Special Issue: *International Organisation* 55(4): The Rational Design of International Institutions (Autumn, 2001)**

⁸ Robert O Keohane, 1984, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press

⁹ G. John Ikenberry, 2001, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars*, Princeton NJ and Oxford: Princeton University Press

¹⁰ John Gerard Ruggie, 1992, ‘Multilateralism: The Anatomy of An Institution’, *International Organisation* 46(3): 561-598 (p. 561)

¹¹ E.g. John J. Mearsheimer, 1994/5, ‘The False Promise of International Institutions’, *International Security*, 19(3):5-49



I use findings from interviews with EAC and its partner states' officials, review of documents on the EAC's security institutions, regional security frameworks to which EAC states are signatory, and studies and reports on the APSA since 2002. I reveal that overlapping/multiple memberships in the EAC and EASF, which stretches beyond the EAC, create decision-making overlays, conflicting obligations upon states, and force states to sign sometimes parallel security conventions with differential binding impacts. This creates commitment problems, decisional delays, and hence implementation challenges as strained member-States juggle between different regional arrangements. I argue for reconstituting the APSA's institutional and organisational framework by re-forming and tailoring Regional Brigades along RECs, and enhancing RECs' politico-security cooperation capabilities to reduce conflicting decisions, improve REC member-States' commitment and coordination, and augment confidence-building measures among States.

The paper is organised as follows. The coming sub-section specifies my conceptual and methodological approach. An overview of the literature on institutional design follows. It also analyses Africa's security institutions and East Africa's context. The third section outlines the APSA's founding documents, their principles, and implementation mechanisms. The final section addresses theoretical ideas concurrently with existing evidence by focusing on the APSA's decision-making issues; the binding-ness of conventions; and implementation mechanisms. I then relate this design to the APSA's general execution in relation to the EAC, before concluding with suggestions on the APSA's future.

From Design to Implementation - Conceptual and Methodological Issues

Conceptualising Institutional Design demands prior definition of "International Institution." This eluded international relations (IR) scholars for long. Keohane complains: "institutions are often discussed without being defined at all, or after having been defined casually."¹² Duffield identifies major limitations in existing definitions: measurement difficulties; and tending to conflate institutions with "regimes", "organisations", norms and customs. He 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".¹³ This definition is equally loaded—encompassing 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"¹⁴, only integrating ontological and functional aspects in Keohane's and Young's earlier definitions.

Keohane had viewed international institutions as "persistent and connected sets of rules (formal and informal) that prescribe the behavioural roles, constrain activity, and shape

¹² Robert O Keohane, 1988, 'International Institutions: Two Approaches', *International Studies Quarterly*, 32(4): 379-396 (p. 382)

¹³ John Duffield, 2007, 'What are International Institutions?', *International Studies Review* 9(1):1-22 (p. 2)

¹⁴ Duffield, p. 8



expectations” of and among actors in the international system.¹⁵ Young had defined institutions as “recognized patterns of behaviour or practice around which (actors’) expectations converge”, but later refined it to: “identifiable practices consisting of recognized roles linked together by clusters of rules or conventions governing relations among occupants of those roles.”¹⁶ These definitions seem to agree on *formal* (e.g. treaties and agreements) and *non-formal* (viz customs and practices) rules; *fundamental* (e.g. state sovereignty), and *operational* (viz interstate bargaining) principles; and functional restraint upon actors. Today’s research progress on institutions does not imply definitional agreement on the concept; it merely reflects scholars’ tendency to specify conceptual boundaries for operationalising one’s usage of the concept.¹⁷

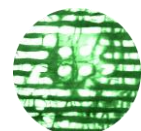
Non-agreement on defining “international institutions” arises from difficulties of: differentiating institutions from regimes in conceptual, analytic, and empirical respects; distinguishing the international system’s fundamental institutions, like state sovereignty, from operational institutions, like treaties and pacts; providing analytically “important classes of international institutions”; separating institutions from organisations embodying these institutions; identifying behavioural consequences of formal rules as opposed to those of normative, ideational, and related factors; drawing distinctions between institutions’ intersubjective elements, functional aspects, and formal features; and considerations about institutions’ sources/origins, like intersubjective and formal rules, and impositions like colonial legacies, coercive bargains, or hegemonic constructions. I do not overcome these challenges. My conception 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 reduces the challenge of grasping their origins by focusing on how their “design” affects operational realities in structures they engender. Accordingly, institutions give rise to organisations—though I am aware that organisations can lead to institutional change or even breed new institutions.

Accordingly, 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; (b) sidesteps intersubjective and constitutive factors; (c) views institutions as negotiated—not imposed—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

¹⁵ Keohane, ‘International Institutions’, p. 343

¹⁶ Oran R Young, 1983, ‘Regime Dynamics: The Rise and Fall of International Regimes’, in Stephen Krasner ed., *International Regimes*, Ithaca: Cornell University Press, p. 93; Young, 1989, *International Cooperation: Building Regimes for National Resources and the Environment*, Ithaca: Cornell University Press, p. 506 – in Duffield, p. 4

¹⁷ Duffield



in anticipation of a given outcome; (e) has agent-centric bias in notions of “negotiated arrangements” and “conscious constructions.” I exclude informal aspects to avoid difficulties of measuring “invisible” forces that inform institutional design, and because “design” can be discerned from formal institutions. I also stress rational considerations because the institutions under study were deliberately constructed in response to historically demonstrable insecurity. This echoes Young’s view: “regimes arise to solve problems”, and their “effectiveness is the measure of the extent to which these arrangements succeed in solving the problems that lead to their formation.”¹⁸ While Young centres his focus on probing “whether and to what extent regimes actually do determine the flow of collective outcomes”,¹⁹ his consideration of problem structure, regime attributes, social practices, institutional linkages, and the broader setting of the regime, have elements of design. Design is vital especially for regime attributes because “regime design matters... institutional arrangements do serve to channel the behaviour of both their formal members and wider arrays of actors operating under the auspices of regime members.”²⁰

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; the extent to which international-security 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.²¹ Instruments like agreements or protocol have provisions for these issues. The 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 if they provide for actors, as state or intergovernmental officials, 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 operational environment in which actors operate—embody institutions.²²

I propose that formal provisions on the three aspects above affect implementation of an international-security framework: they inform actual decision-making and implementation. I distinguish decision-making rules from decision-making practices. Decisional rules inform decisional practice, but this rules-practice relationship is not necessarily straightforward.

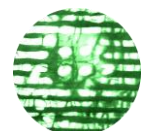
¹⁸ Oran R Young, 1999, *Governance in World Affairs*, Cornell: Cornell University Press, p. 109

¹⁹ Ibid, p. 113

²⁰ Ibid, p. 119

²¹ Richard S. Steinberg, 2002, ‘In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in GATT/WTO’, *International Organization* 56(2): 339–374 (p. 339)

²² Young, *Governance in World Affairs*



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 or Young's notion of institutional linkages and the broader environment, and/or encouraging decisional avoidance (non-decisions) when states sense commitment problems arising from multiple, sometimes conflicting institutional memberships. Provisions on actors' responsibilities inform the extent to which institutional authority is centralised (state-level only) or delegated (passed on to intergovernmental agency). Organisational arrangements define responsibilities of actors in line with institutional rules, but differ with 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.

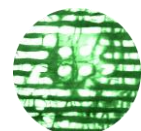
I trace elements of “institutional design” from the APSA's founding instruments, and examine how these provisions affect implementation—actual organisational decisions, respect for cooperation instruments, and commitment to cooperation. I focus on East Africa because: (i) states in this region belong to several security institutions: the EAC framework, IGAD and ICGLR regimes, and “Nairobi Process”; (ii) these different institutional frameworks entail different levels of states' commitment and legal-political obligations; (iii) the EASF's definition under the ASF encompasses states belonging to these different arrangements; (iv) the 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 interlocks entangle EAC partner states with non-EAC states in the same security institutions.

I supplement the findings of field research on security cooperation in the EAC with existing works, documents, and publications on the 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 Pact²³ and the Nairobi Protocol on small arms and light weapons.²⁴ Tanzania belongs to EAC and SADC's security arrangements, some of whose provisions may conflict.²⁵ Kenya and Uganda belong to the IGAD, EAC, and ICGLR. Some states like Seychelles and Comoros are neither EAC partner states nor IGAD members-states. Yet they too are signatories to the Nairobi Protocol and members of the EASF. With the EAC the most institutionalised REC in the region, its security-cooperation measures, such as in defence

²³ ICGLR, 2006, *The Pact on Security, Stability and Development in the Great Lakes Region* (amended 2012), Bujumbura: ICGLR.

²⁴ Regional Centre on Small Arms in the Great Lakes Region the Horn of Africa and Bordering States (RECSA), 2004, *Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa, and Bordering States*. Nairobi: RECSA

²⁵ See e.g. (SADC), 2001, *Protocol on Politics, Defence and Security Co-operation*, Article 2(2)(h), and Art. 15; and Art. Art 6(1) and (3) of *The SADC Mutual Defence Pact*. Dar es Salaam: SADC



affairs and counterterrorism²⁶, are affected by interlocking interfaces with other EASF states with whom EAC partner states have weak ties.

Sufficient empirical investigation on all these arrangements is difficult. But analysing AU-level security institutions whose implementation is decentralised to Regional Brigades can provide empirical resources for understanding regional implementation of continental decisions. The designers of the Common African Defence and Security Policy (CADSP)²⁷ did not envision regional coherence. The criterion by which “regional implementation mechanisms” were designed remains unclear. Yet this “design” has vital implications for the APSA's regional implementation.²⁸ The next section summarises the literature on institutional design.

Perspectives on Designing Regional Security Institutions

The concept “institutional design” falls under the broad cooperation literature in IR, specifically neoliberal institutionalism. This literature addresses possibilities for interstate cooperation in spite of, and/or under, anarchy. It critiques neorealist emphasis on anarchy's limitations to cooperation²⁹, presenting post-World War II institutions in Europe and beyond as empirically signifying ‘the death of realism.’³⁰ 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.³¹ Constructivists question rationalists' overemphasis on rationalist “conception of agency that reduces all political action to strategic interactions” and over neglect of normative reflection and argument from the realm of social inquiry.³² Constructivists, instead, stress normative and ideational forces that inform cooperation. These ideas, common identities, cultural similarities, make it easy for states sharing them to develop cooperative security regimes.³³ However, the rationalist conception of institutions remains significant. According to neoliberal rationalists, interstate cooperation is not only desirable but is also possible in our interdependent world. States as rational actors have incentives to solve common problems whose independent solution would be sub-

26 Wafula Okumu, 2007, ‘Counterterrorism Measures in the East African Community’, in Andre Le Sage, ed., *African Counterterrorism Cooperation: Assessing Regional and Subregional Initiatives*, National Defence University Press and Potomac Books, pp. 77-98; EAC, 2012, *Protocol on Cooperation in Defence*

Matters, Arusha: EAC

²⁷ Touray,

²⁸ African Union, 2002, *Report of the Secretary-General on the Implementation of the CSSDCA* (to the 76th Ordinary Session of Council of Ministers - CM/2243(LXXCI) Rev.1). Durban: AU

²⁹ Joseph M. Grieco, 1989, ‘Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism’, *International Organisation* 43(3): 485-507

³⁰ Jeffrey W. Legro and Andrew Moravcsik, 1999, ‘Is Anybody Still a Realist?’, *International Security* 24(2): 5-55. Cf Mearsheimer, ‘The False Promise of International Institutions’.

³¹ Robert Jervis, 1982, ‘Security Regimes’. *International Organisation*. 36 (2):357-378; Charles Lipson, 1984, ‘International Cooperation in Economic and Security Affairs’, *World Politics*, 37(1): 1-23

³² Christian Reus-Smit, 2001, ‘The Strange Death of Liberal International Theory’, *European Journal of International Law* 12(3):573-593 (p. 573)

³³ Amitav Acharya, 1997, ‘Ideas, Identity and Institution Building: From the ‘ASEAN-Way’ to ASIA-Pacific Way’, *Pacific Review* 103(3): 319-46; Christopher Hemmer, and Peter J Katzenstein, 2002, ‘Why is there no NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism’, *International Organisation* 56(3): 575-607



optimal, and can develop regimes and institutions for crafting and maintaining such cooperation.³⁴

This literature appreciates that the UN decentralises its security-governance task, under chapter VIII of its Charter, to regional institutions that can maintain regional peace and security while solving other region-specific problems that are difficult for global-level UN solutions.³⁵ The acceptance of regional solutions led to different forms of security regionalisms that “can be issue-specific—a collective self-defence arrangement (alliance) to confront a specific threat, or a collective security arrangement to maintain order among member states, or a nuclear free regime to regulate nuclear activities. Or it can encompass an issue-area or a number of issue-areas” as does the AU and Association of Southeast Asian Nations (ASEAN).³⁶ Both regional security organisations and arrangements (decision-making procedures, actors’ roles and responsibilities) mirror regional security institutions³⁷ whose “rational design” liberal rationalists stress.

The rational design hypothesis stresses states’ motives and interests that inform “design features” of specific international institutions. A recent synthesis of institutional design is the RDII Project.³⁸ Its aim was to explain international institutions—“to offer a systematic account of the wide range of design features that characterize international institutions”—to develop an empirically testable explanatory framework. Taking institutions as states’ conscious, rational constructions, the authors believe “design features” result from the nature and/or severity of cooperation problems; actors’ number, symmetry, and behaviour; uncertainty about the world and others’ preferences. These factors influence a range of “design features”: membership restrictiveness, scope of cooperation, level of centralisation of authority, flexibility of institutions, and control over them.³⁹ Contrary to RDII authors, I take design as an independent variable, and study its likely effects on implementation.

Duffield critiques the RDII Project on three grounds: omitted variables; limitations of empirical evaluation; and scope. On Scope, he blames writers for limiting conceptualisation to formal institutions and negotiated arrangements. Empirically, he finds limitations in case selection, operationalisation of variables, and over all lack of empirical support for hypothesised relations between key variables. On variable omission, he argues that several useful independent variables, like obligation, precision, specificity, “are obscured by an excessive degree of generality.” Some of their independent variables may be outcomes of preceding causal variables. For instance, actors’ power and capabilities, interests, and

³⁴ Arthur A. Stein, 1993, ‘Coordination and Collaboration: Regimes in an Anarchical World’, *International Organisation* 36 (2):299-324; Keohane, *After Hegemony*

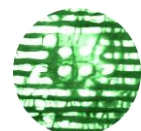
³⁵ Inis L. Claude, Jr., 1964. *Swords into Plowshares: The Problems and Progress of International Organisation*. New York: Random House; Oran R. Young, 1999, *Governance in World Affairs*. New York: Cornell University Press

³⁶ Muthiah Alagappa, 1997, ‘Regional Institutions, the UN, and International Security: A Framework for Analysis’, *Third World Quarterly*, 18(3):421-441 (p. 423)

³⁷ Alagappa, *ibid*

³⁸ **Special Issue: *International Organisation* 55(4)**

³⁹ **Barbara Koremenos, Charles Lipson and Duncan Snidal, 2001, ‘The Rational Design of International Institutions’, *International Organisation* 55(4): 761-799**



institutional path-dependence, influence design features, yet the RDII project ignores them. Besides, Duffield argues, other factors like “worldviews, causal beliefs, and principled beliefs” were excluded, yet they may also affect design features. Duffield suggests a remedy consisting of paying attention to alternative formulations of independent and dependent variables; relating abstract phenomena like distribution and enforcement problems with more fundamental factors like interests, power, and beliefs; developing and publicising explicit guidelines on “how the variables might be operationalised and measured”; and paying attention to pre-existing institutional alternatives, bargains, and especially norm-based institutional forms.⁴⁰ He believes these challenges are surmountable. But Duffield does not favour particular theoretical—say constructivist—solutions to these problems.

The constructivist argument would underscore the influence of norms, ideas, and sociocultural identifies on design features. According to this viewpoint, actors’ norms, ideas, and identifies inform both institutional design and the realisation of institutional obligations. Norms may originate from outside or within the region. They may be imposed, constitutively localised, or even rejected depending on the actors, their interests, and particular historical, political, cultural and strategic contexts.⁴¹ Common understandings—cultures—can and do influence whether or not international security institutions are constructed, whether or not these institutions change⁴² (say from collective defence to security communities), survive, or break down. Where rationalists take institutions as consciously intended to achieve instrumental outcomes, constructivists stress ideational and cultural drives leading to certain institutional features. Without distinguishing rational from non-rational influences on “design features”, I consider how institutional design, once achieved, influences the operational dimension of international-security institutions. This is not about institutional path-dependence that would still inform institutional design.⁴³ It is about how certain elements of design affect institutional implementation. While one can determine how various “design features” in the RDII Project and those suggested by Duffield affect implementation of interstate security-cooperation commitments, I focus on the APSA’s specific design elements that affect practical implementation in Eastern Africa.

Designing Africa’s Regional-Security Institutions

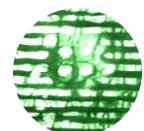
Africa’s security institutions respond to insecurity and signify the search for peace and security. Williams reveals that the AU Peace and Security Council (PSC) is Africa’s most important security institution, the main forum for promoting African peace, security, and stability. But he adds: “overlapping security institutions at the sub-regional and continental levels”, while avoiding “placing the entire continent's eggs in one institutional basket” can

⁴⁰ John S. Duffield, 2003, ‘The Limits of “Rational Design”’, *International Organisation* 57(2):411-430

⁴¹ Amitav Acharya, 1997, ‘Ideas, Identity and Institution Building: From the ‘ASEAN-Way’ to ASIA-Pacific Way’, *Pacific Review* 10(3): 319-46; 2009, *Whose Ideas Matter? Agency and Power in Asian Regionalism*, Ithaca & London: Cornell University Press

⁴² Christopher Hemmer and Peter J Katzenstein, 2002, ‘Why is there no NATO in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism’, *International Organisation* 56(3): 575-607

⁴³ Scott Cooper, Darren Hawkins, Wade Jacoby, and Daniel Nielson, 2008, ‘Yielding Sovereignty to International Institutions: Bringing System Structure Back In’, *International Studies Review*, 10(3): 501-524



raise “issues of *coordination* and *priorities* when the *memberships* of sub-regional arrangements *overlap*.”⁴⁴ 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 1964.⁴⁵ Regional security institutions follow this debate whose resulting RECs/ROs have since informed cooperation in Africa’s sub-regions.⁴⁶ While regionalism in East Africa predates “the new wave of regionalism”⁴⁷, 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 now address 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 pan-regionalist thesis, 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.”⁴⁸ 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 responses. Recently, African states adopted a Peace and Security Charter that “contained important conceptual breaks from the past—notably in the form of a doctrine allowing the AU intervention in member states’ affairs.”⁴⁹ These “conceptual breaks”, operationalised in the APSA, have encouraged scholarly optimism on security cooperation in Africa.⁵⁰ The APSA, whose implementation is decentralised “at

⁴⁴ Paul D Williams, 2007, ‘Thinking about Africa’s Security’, *International Affairs* 83(6): 1021-1038 (p. 1037)

⁴⁵ Mojmir Povolny, 1966, ‘Africa in Search of Unity: Model and Reality’, *Background* 9(4): 297-318; Patricia B. Wild, 1971, ‘Radicals and Moderates in the OAU: Origins of Conflicts and Bases for Coexistence’, in Paul A. Tharp, Jr., ed., *Regional International Organisations: Structures and Functions*, St Martin’s Press, pp. 36-50.

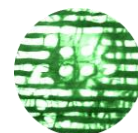
⁴⁶ E.g. James J. Hentz, 2014, ed., *Routledge Handbook of African Security*, London: Routledge, Part III: pp. 197-229; Clement E Adibe, 2003, ‘Do Regional Organisations Matter? Comparing the Conflict Management Mechanisms in West Africa and the Great Lakes Region’, in Jane Boulden ed., 2003, *Dealing with Conflict in Africa: The United Nations and Regional Organisations*, New York: Palgrave Macmillan, pp. 79-108; Timothy M Shaw, 2003, ‘Regional dimensions of conflict and peace-building in contemporary Africa’, *International Development*, 15 (4): 487-498

⁴⁷ Raimo Vayraynen, 2003, ‘Regionalism: Old and New’, *International Studies Review* 5(1):25-51.

⁴⁸ Touray, p. 637

⁴⁹ Bruce D. Jones, Shepard Forman and Richard Gowan, Eds., 2010, *Cooperating for Peace and Security: Evolving Institutions and Arrangements in the Context of U.S. Security Policy*, Cambridge: Cambridge University Press: ‘Introduction’, p. 18

⁵⁰ Franke; Vanessa Kent and Mark Malan, 2003, ‘The African Standby Force: Progress and Prospects’, *African Security Review*, 12(3): 29-46; AU, 2002, *Report of the Secretary-General on the Implementation of the CSSDCA*, Durban: AU; A. Sarjoh Bah, 2010, ‘The Evolution of Regional and Sub-regional Collective Security Mechanisms in Post-Cold War Africa’. In Jones, Forman, and Gowan, *Cooperating for Peace and Security*, pp. 269-290



regional level”⁵¹ appears as a major shift in governing Africa’s security landscape. Regional Brigades are allowed to set up standby military, police, intelligence, and civilian brigades for ready deployment where needed.⁵²

The notion of Regional Brigades rekindles the regional specificity thesis which opposed full-blown continental unity that Nkrumah had envisioned. It re-echoes the views of Tanzania’s *Mwalimu* Julius Kambarage Nyerere and other pro-regionalism reasoners. These “moderates”, Wild calls them, argued for the creation of ROs within Africa’s geopolitically contiguous regions. ROs, they reasoned, would be easier to form, would work as building blocks to 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.⁵³ They originally handled socioeconomic issues but recently adopted politico-security issues. Today, security-cooperation decisions may be made at AU level. But implementation always occurs at regional level where [supposedly] closely-knit states operate in a smaller intergovernmental framework.⁵⁴

In 2002, AU member states agreed on the APSA which subsumes regional security arrangements. Vines believes “the AU’s success in collaborating effectively with RECs and international partners to build up better institutions to promote Africa’s peace, security, and prosperity” are critical to a secure Africa.⁵⁵ Decisions are made by the AU Security Council and implemented at regional level. RECs are also mandated to make and implement region-specific decisions. This development presents the ASF’s “Regional Brigades”—EASF, ESF, FOMAC, NARC, and SSF—as operational and rapid responses with potential to address Africa’s security concerns at regional level.⁵⁶ But the APSA’s implementation in East Africa remains understudied.

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; and these conflicts’ sheer complexity. Non-traditional threats, like SALWs proliferation, terrorism, and human/drugs trafficking worsen the situation. Of these threats, terrorism remains the greatest, though the issues are intricately linked. Example:

⁵¹ Touray, p. 636 (fn. 6)

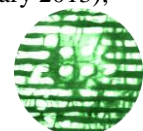
⁵² AU, 2002, *African Peace And Security Architecture*; 2000, *Constitutive Act of the African Union*; 2002, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, Addis Ababa: AU

⁵³ Wild; Opoku Agyeman, 1975, ‘The Osagyefo, the Mwalimu, and Pan-Africanism: A Study in the Growth of a Dynamic Concept’, *The Journal of Modern African Studies* 13(4): 653-675; Joseph S. Nye, Jr., 1965, *Pan-Africanism and East African Integration*, Cambridge, Mass: Harvard University Press;

⁵⁴ Touray; AU, APSA

⁵⁵ Vines, p.109

⁵⁶ AU Security Council, 2010, *African Peace and Security Architecture (APSA)*, Addis Ababa: African Union (accessed from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>, 4 February 2013);



transnational rebellions worsen insecurity in geopolitically contiguous regions: they facilitate SALWs proliferation and market-channel these arms; transform from warlordism to international terrorism via networks with terrorist groups, or using terrorist tactics⁵⁷; weaken states; and create refugee problems.

Armed rebellions are prevalent. Save for Tanzania, most countries in Eastern Africa have experienced rebel conflicts.⁵⁸ Besides the anti-colonial Mau Mau rebellion (1948-1956) and the irredentist Greater Somalia Movement (1960-64), Kenya faced the Sabot Movement for the Defence of Land in 2005. She now contends with the secessionist Mombasa Republican Council which might transform into a civil war. Burundi, Rwanda, and Uganda; Ethiopia, Somalia, Sudan; and neighbouring DRC, have rebel groups⁵⁹ with havens and training grounds in neighbouring states' mountainous/forested terrains, worsening insecurity for neighbours. Some echo transnational ethnic conflicts, and fuel security tensions between neighbouring states: several armed conflicts in the GLR transformed to transnational ethno-political conflicts and proxy wars.⁶⁰

Another dimension of insecurity in Eastern Africa—political instabilities—results from and also facilitates armed conflicts. In Rwanda-Burundi, Somalia, and post-Amin Uganda, instability created political crises that gnaw at the marrow of state and societal security. Political instability, in turn, worsened insecurity, creating endless spirals of political violence featuring civil wars and coup d'états. Perpetual insecurity stifles intrastate and transnational governance, allowing other security threats, like terrorism, and SALWs proliferation, to thrive. “Africa is greatly affected by the problem” of SALWs; their proliferation “is a source of conflict and criminality” in the Region. Instability and SALWs are also linked: “The recent political unrest in the Sahel and Maghreb regions... presents a challenge as a new source of arms flows to [Eastern Africa]... now faced with a wider and more dangerous problem than before.”⁶¹ Ironically, most African states do not manufacture SALWs.⁶²

The situation is similar with terrorism, the first foreign-terrorist attack having occurred against Kenya in 1981. A combination of proximity to Somalia and Sudan; apparent globalisation of, and involvement in, the Northwest Asia (aka 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

57 Michael G. Findley and Joseph K. Young, 2012, ‘Terrorism and Civil War: A Spatial and Temporal Approach to a Conceptual Problem’, *Perspectives on Politics*, 10(2): 285-305; Morten Boas and Kevin Dunn, 2014, ‘Understanding African Guerrillas: From Liberation Struggles to Warlordism and International Terrorism’, in Hentz, *Routledge Handbook of African Security*, pp. 85-95

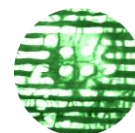
58 Reyntjens; Prunier, *Africa's World War*; Gerard Prunier, 2004, ‘Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99)’, *African Affairs*, 103(412): 359-383.

59 Robert Gersonny, 1997, *The Anguish of Northern Uganda: Results of a Field-Based Assessment of the Civil Conflict in Northern Uganda*, Kampala: USAID Mission; Reyntjens

60 Prunier, ‘Rebel Movements and Proxy Warfare’; Idean Salehyan and Christian Skrede Gleditsch, 2006, ‘Refugees and the Spread of Civil War’, *International Organisation*, 60(2): 335-366

61 Théoneste Mutsindashyaka, 2013 (3 June), *Statement during the Ceremony to Mark the Opening for Signature of the Arms Trade Treaty*, New York, p. 2; & *Statement by the Executive Secretary on Westgate Mall Terrorist Attack*, Nairobi: RECSA, p. 1.

62 [Most of the SALWs circulating in Africa originate from Russia, the USA, China, and Ukraine. Martin Ogango, Interview](#)^{27 September 2012}



Africa a “soft target” and victim of global and regional terrorism. Since 1981, and mainly after 1998, Kenya, more than any other Eastern African country⁶³, has suffered myriad terrorist attacks with devastating consequences for the Region.⁶⁴ Accordingly, the EAC, RECSA, and other sub-regional security arrangements have joined global and continental counterterrorism measures.⁶⁵

Failure of international efforts includes the 1993 US withdrawal from Somalia, the international community's failure to prevent/stop Rwanda's 1994 genocide⁶⁶, the prolongation of south Sudan conflict⁶⁷, state collapse in Somalia despite an active international community, and failure to muster solutions to Africa's endless insecurity.⁶⁸ These failures forced African states to rely on ineffective unilateral and one-off solutions. **Unilateral solutions** to rebellions that spill-over to neighbouring countries are ineffective.⁶⁹ Such solutions may end the war once rebels are defeated or they triumph over government. Cessation of hostilities, conquest or subjugation, peace treaties, or co-optation of rebel fighters in national militaries as part settlement of the conflict may also work.⁷⁰ Peace talks, for instance, are less successful in Uganda partly because rebel groups have operational space whenever extruded from Uganda.⁷¹ With transnational rebellions neighbouring states must cooperate even in military solutions. This demands states' commitment, and/or no state complicity in such conflicts. When unilateral measures fail, cooperation between neighbours becomes necessary.

Ad hoc **tripartite arrangements**, like those between Uganda, South Sudan, and DRC, against the LRA⁷² also remain inadequate: they are not rooted in strong institutional commitment and are shrouded in suspicions between affected states. UN and AU missions, like in Darfur and Somalia, are delayed by protracted bargains with sometimes uncooperative states. Participating states' limited national-security interests also afflicted these missions.⁷³ This evokes sub-regional responses to specific state-parties' security issues instead of concrete institutional-organisational measures for continually, broadly, managing insecurity.

These security challenges' implications are clear: sheer enormity and persistence of insecurity; threats to foreign interests in the region, such as typified by the 1998 terrorist bombing of US embassies in Nairobi and Dar es Salaam; weakening of states by straining state/national resources; degeneration of some security issues into grave circumstances;

63 Exception: Uganda suffered years of domestic terrorism

64 Okumu; Alfred Anangwe, 2006, 'International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War', *African Journal of International Affairs*, 7(1&2):81-97

65 Le Sage

66 Reynijens

67 Matthew LeRiche and Matthew Arnold, 2012, *South Sudan: From Revolution to Independence*, London: C. Hurst & Co

68 Jane Boulden ed., 2003, *Dealing with Conflict in Africa: The United Nations and Regional Organisations*, New York: Palgrave

69 Timothy M Shaw, 2003, 'Regional Dimensions of Conflict and Peace-building in Contemporary Africa', *Journal of International Development*, 15(4): 487-498

70 Berenice A. Carroll, 1969, 'How Wars End: An Analysis of Some Current Hypotheses', *Journal of Peace Research*, 6(4): 295-320

71 Vinci; Ronald Atkinson, 2009 (Tue. 2 June), 'Revisiting 'Operation Lightning Thunder'', Kampala: *The Independent* (21 June 2012, from <http://www.independent.co.ug/index.php/column/insight/67-insight/1039-revisiting-operation-lightning-thunder->)

72 Vinci; Atkinson

73 Jack Donnelly, 2012, *Universal Human Rights in Theory and Practice*, Ithaca and London: Cornell University Press; and Linda Melvern, 2000, *A People Betrayed: The Role of the West in Rwanda's Genocide*, New York: Zed Books; Jonathan Fisher, 2012, 'Managing Donor Perceptions: Contextualizing Uganda's 2007 intervention in Somalia', *African Affairs*, 111(444): 404-423



retardation of socioeconomic development; and the realisation by state and non-state actors alike that cooperation is a judicious, rational response—hence the APSA.

The AU Peace and Security Architecture (APSA)

The APSA signifies African states' commitment to cooperate through institutions embodied in continental and regional organisations. Scholars assume “that international organisations provide the conditions conducive to greater cooperation and interdependence among nations”, and that “such common organisational ties set in motion forces that produce cooperative interstate behaviour.”⁷⁴ The APSA, which was 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”, unlike more inclusive IOs. Low politics in IOs engenders greater cooperation; high politics in ROs inhibits cooperation: “technical, noncontroversial issues (issues usually discussed in low politics organisations) are more likely to result in cooperative responses among the participants.”⁷⁵ McCormick found that States' national attributes “were not very useful in discriminating among levels of cooperation”, and that ROs display low levels of cooperation because they handle “high politics” issues.⁷⁶ Thus, we expect easier cooperation at the AU than EAC level. The APSA can be viewed in similarly: easier to design at AU level but difficult for RECs to implement.

Founding Instruments and Principles

The 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.⁷⁷ States are “conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent.”⁷⁸ They are “concerned about the continued prevalence of armed conflicts in Africa” that have “forced millions of our people” into an undignified life, hence seeking cooperative solutions.⁷⁹ The founding instruments provide for a Panel of the Wise; continental Early Warning System (EWS)⁸⁰; the ASF; and a Common Defence Policy⁸¹, with the peace and security department coordinating their activities. The EASF's coordination mechanism and the NARC “are not managed by

⁷⁴ James M. McCormick, 1980, ‘Intergovernmental Organisations and Cooperation among Nations’, *International Studies Quarterly*, 24 (1): 75-98 (p.86)

⁷⁵ Ibid, p. 86

⁷⁶ Ibid, pp. 91-2

⁷⁷ African Union (AU), 2000, *Constitutive Act of the African Union*; 2002, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*; 2008, *Memorandum of Understanding on Cooperation in the Area of Peace and Security Between the African Union, the Regional Economic Communities, and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa And Northern Africa*, Addis Ababa: AU.

⁷⁸ Constitutive Act, Preamble

⁷⁹ PSC Protocol, Preamble

⁸⁰ Franke, ‘Précis of *Security cooperation in Africa*’

⁸¹ Vines, p. 91; PSC Protocol, Articles 11-13



RECs”: they are stand-alone structures spanning ROs.⁸² Primarily, the instruments stress sovereign equality, independence, states’ decisional autonomy, and promotion of peace and security. The Constitutive Act outlines these principles.⁸³

I categorise these principles into three. First are “Sovereignty-Preserving Principles” that stress 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.⁸⁴ I call the second category “Intervention-Threshold Principles.” These give AU institutions some limited mandate to intervene, 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; stresses respect for the sanctity of human life; rejects impunity and political assassinations; acts of terrorism, and subversive activities.⁸⁵ These principles are limiting since their application requires two preconditions: prior authorisation by the Assembly even in “grave circumstances”; and States’ request for, or acceptance of, intervention. This may allow shamefaced states to delay or stymie intervention.

The third category—herein “Conventional-Security Principles”—define interstate defence relations. They envision a common, continent-wide, defence policy, and peaceful resolution of *interstate* conflicts, through “appropriate means decided by the Assembly.” Echoing Nkrumah’s collective security ideals, these provisions prohibit the use or threat to use force among States, stress peaceful co-existence; and encourage self-reliance within the AU framework.⁸⁶ These principles underscore States’ awareness of possible zero-sum relations guided by realist logics of international politics. They may stifle cooperation, in contexts of state complicity, on intrastate insecurity even when such cooperation may be necessary to respect “the sanctity of human life”, condemn and reject impunity, and promote peace and security.⁸⁷

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-riddled societies. Ironically, the AU stresses pacific relations, rather than transnational and intrastate insecurity in which

⁸² MoU, Art. 1

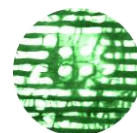
⁸³ Article 4

⁸⁴ *PSC Protocol*, Art. 4

⁸⁵ *Ibid*; also Art. 9; Le Sage, Appendices

⁸⁶ Touray; Constitutive Act; PSC Protocol

⁸⁷ PSC Protocol



state complicity may stymie implementation under the guise of sovereignty.⁸⁸ Hence, sovereignty-preserving principles domineer over others.

Institutional Mechanisms for Implementation

The institutional mechanism for implementing the APSA includes continental, regional, and national structures. These include a Panel of the Wise, Continental EWS, ASF, Military Staff Committee, and a Special Fund. The PSC, established pursuant to the Constitutive Act⁸⁹, is “a standing decision-making organ” with a wide range of decision-making powers and functions.⁹⁰ For Williams, the Council is Africa’s main forum for promoting peace, security, and stability.⁹¹ It was set up to prevent, manage, and resolve conflicts, and act as a collective security and early-warning arrangement to facilitate timely, efficient, crisis responses. It would help Africa to create a common defence policy; promote peace, security, and stability; protect/preserve life and property; and to anticipate, prevent, manage, and resolve conflicts through peace-making, peace-building, and post-conflict reconstruction; and to 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 the APSA’s implementation. It would ensure that external peace and security initiatives in Africa take place “within the framework of the Union’s objectives and priorities.”⁹²

While Williams sees the PSC as a decision-making organ, as the Protocol states, Touray sees it as an implementation mechanism for the Common African Defence and Security Policy (CADSP), a broad collective security framework that was 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.”⁹³ Williams and Boutellis 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.⁹⁴ 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 intra-Africa design issues.

⁸⁸ ICG reports on *Implementing APSA*.

⁸⁹ Article 5(2)

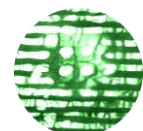
⁹⁰ PSC Protocol, Article 2

⁹¹ Williams, ‘Thinking about Africa’s Security’

⁹² Protocol, Articles 3-5; Paul D. Williams and Arthur Boutellis, 2014, ‘Partnership peacekeeping: Challenges and opportunities in the United Nations–African Union Relationship’, *African Affairs*, 113(451): 254–278 (p. 254; Fn. 1)

⁹³ Touray

⁹⁴ Williams and Boutellis, *pp.* 254–5



Institutional Design and the APSA's Implementation in Eastern Africa

This section stresses overlaps between the EAC and other security arrangements that intersect under the EASF in order to unravel implementation challenges afflicting the APSA. I examine institutional design's three aspects: decision-making; how binding security conventions/decisions are; and implementation mechanisms. I argue that overlapping memberships in both RECs and Regional Brigades creates decision-making overlaps and conflicting obligations. This overstretches member States. There are parallel conventions, some more binding than others. To clarify these membership 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 Africa⁹⁵

Country	Membershi p to the APSA/EAS F	Membership to Sub-Regional Security-Cooperation Arrangement					
		EA C	ICGLR _{NRE} c	NP _{NRE} c	IGAD	SADC *	ECCAS *
Burundi	✓	✓	✓	✓			
CAR**			✓				✓
Comoros	✓		✓				✓
Congo Rep.**			✓				✓
DRC**			✓	✓		✓	✓
Ethiopia	✓			✓	✓		
Djibouti	✓			✓	✓		
Eritrea				✓	✓ ?		
Kenya	✓	✓		✓	✓		
Rwanda	✓	✓		✓			
Seychelle s	✓			✓		✓	
Somalia	✓			✓	✓		
South Sudan			✓	✓	✓		
Sudan	✓		✓	✓	✓		
Tanzania		✓		✓		✓	
Uganda	✓	✓		✓	✓		
Zambia**			✓			✓	

Key: * Indicates RECs outside Eastern Africa, but whose member states belong to security arrangements with Eastern African states. ** indicates non-EAC Partner States belonging to

⁹⁵ See founding instruments on the tabulated organisations



the 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 upon states. Of vital interest, provisions are repetitious because 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 underline the overlapping memberships that typify the 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" constituting the PSC.⁹⁶ This becomes clear when we examine this institutional design's elements: decision-making; the binding-ness of international-security conventions; and implications for implementation (Table 2).

Table 2: Relationship between 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 Multilevel Consensus only (Summit Policy Guidance)	Ministerial Councils and Assemblies Technical officials' input
Binding-ness of Instruments & decisions	Dependent on state acceptance; not binding	Binding once ratified. Must be domesticated	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 and regional institutions to ignite political will Low-level obligation

⁹⁶ Ibid, p. 262



From Table 2, different regional security arrangements have different decision-making rules and obligations. Compared to EAC protocols, security-cooperation instruments in Eastern Africa are not binding to signatory states. There is no institutional pressure to mobilise political goodwill that is necessary 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.⁹⁷ Therefore, unlike other regional security arrangements that are based on non-binding instruments, EAC provisions on decision-making and responsibility result in legally-binding decisions and obligations that allow institutional pressure for implementation.

Decision-making Procedures and Responsibility

The APSA's sovereignty-preserving principles bespeak of the state system's desire to preserve its constituent part—the sovereign State. They show that states co-preserve their monopoly on meta-political authority—the power to decide what issues belong to the realm of coercion which states arrogate to themselves, and which issues belong to other realms that are delegable to IOs/ROs.⁹⁸ This self-preservation imperative inheres in the UN's non-intervention norm, and AU proscriptions on interference in states' internal affairs. Ironically, transnational security issues naysay these principles and challenge the sovereignty of both the state against which actors like rebel movements fight and that of states in whose territories they spill-over, operate from, use as transit routes, or illicitly exploit resources. In this conundrum of security governance, AU-level security ideals are difficult to realise at regional level going by McCormick's argument.

Two key issues related to decision-making procedures and responsibility are: *who* decides; and *how*. The AU Assembly and Executive Council make most decisions through consensus “or, failing of which by a two-thirds majority” of AU member-States. Though procedural matters, including “whether a matter is one of procedure or not, shall be decided by a simple majority”, consensual decisions are favoured to ensure unanimity because the Assembly's or Council's quorum requires two-thirds of the total AU membership.⁹⁹ Consensus decision making negates status. It offers equal voting power and representation in IOs. Members' unanimity enhances decisions' ownership.¹⁰⁰ Though consensus need not result in soft law, as Steinberg argues, it allows states to avoid certain commitments. Under the APSA, Heads of States and foreign ministers from members of the PSC can make peace and security-related decisions in closed meetings from which any PSC member-state which is a party to the conflict is excluded after it presents its case.¹⁰¹ The PSC, again, uses consensus or

⁹⁷ EAC Treaty, Ch. 9

⁹⁸ Janice E Thomson, 1995, 'State sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research', *International Studies Quarterly*, 39(2): 213-233

⁹⁹ Constitutive Act, Art. 7 and 11

¹⁰⁰ Steinberg, p. 339

¹⁰¹ PSC Protocol, Art 8(9)



majoritarian decisions as appropriate.¹⁰² Therefore, states' political leaders are key decision makers; consensus the main procedure.

The **Panel** of the Wise informs decision making through its advisory role to the PSC. It is composed of five highly respected African personalities¹⁰³ selected by the Commission chairperson in consultation with the PSC's 15-Member States.¹⁰⁴ 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 situations¹⁰⁵ through consultations.

Implications for Implementation

As McCormick argues, consensus should be more difficult at regional level. It can potentially stifle decisions on contentious issues as negotiations on the Mutual Defence Pact in the EAC showed.¹⁰⁶ When decision makers are shielded from alternative institutional pressure, accountability wanes. When they are obliged in multiple security arrangements, conflicting decisions are made—or avoided. It should be noted that even in the EAC decisions can be stifled, for states tend to insist on self-reliance, evoking the principle of non-intervention. For instance, when the EALA demanded regional solutions to Uganda's Joseph Kony-led Lord's Resistance Army rebellion, Uganda's foreign minister, James Wapakhabulo, 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."*¹⁰⁷ The EALA's efforts were futile because it has no mandate to compel Council or Summit to act, yet analysts agree that Uganda had failed to end the LRA rebellion that involves atrocious war crimes (viz targeting non-military persons) and crimes against humanity (rapes, torture, murder) that suffice to evoke regional and continental solutions.¹⁰⁸

Once decision-making remains in states' hands without provisions for—at least conditional—compulsion, states may stifle cooperation decisions. If the EAC could not hearken the EALA pressure, it should be more difficult in other regional frameworks. Were there an autonomous

¹⁰² Art. 8(13)

¹⁰³ PSC Protocol, Article 11. These personalities are experienced in politics, diplomacy, and security services. The Assembly approves Panel Members basing on regional representation for three years.

¹⁰⁴ Members of the PSC hold positions for two years. Membership makes due consideration for regional representation (South, North, West, Central, East, the Horn).

¹⁰⁵ Ibid. Kofi Annan resolved the post-2007 election crisis in Kenya under the same mandate.

¹⁰⁶ Field Findings, August-December 2012

¹⁰⁷ James Wapakhabulo, *EALA Debates*, 20 May 2003, p. 45

¹⁰⁸ EALA Debates, 20-21 May 2003; 24 November 2004; 21 February 2008. These failures led to the post-2009 AU-sanctioned operation: Ronald Atkinson, 2009, *From Uganda to the Congo and Beyond: Pursuing the Lord's Resistance Army*. New York: International Peace Institute. On "grave circumstances" in the LRA, see: Payam Akhavan, 2005, 'The Lord's Resistance Army Case: Uganda's Submission of the First State Referral to the International Criminal Court', *The American Journal of International Law* 99(2): 403-421; Adam Branch, 2007, 'Uganda's Civil War and the Politics of ICC Intervention', *Ethics & International Affairs* 21(2):179-198; ICC, 2005, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, ICC-02/04-01/05, The Hague: ICC



institutional framework for assessing the gravity of the insecurity and deciding whether and how to intervene, decisions might be easier. Ironically, even the AU Assembly, under the APSA, cannot make legally binding decisions. At the EASF level, decision-making rules are unclear. Yet, if the EASF was an EAC institution, the same Council would make decisions affecting its operations through EAC decisional 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, constrain cooperative security decisions.¹⁰⁹ Example: while international pressure was mounted against a then-uncooperative Sudan before the UNAMID, the international community failed to accept Sudan's Darfur crisis as genocide. It thus denied itself the moral-legal ground for contravening Sudan's sovereignty.¹¹⁰ IGAD stood almost aloof: it also failed in Somali conflicts. Non-binding, contradictory conventions and decisions, such as who/how to determine the gravity of "grave circumstances", may uphold state sovereignty but are difficult to implement.

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 in the 1990s. Since the protocol and MoU operationalise the Constitutive Act, their intent appears consistent with addressing "the continued prevalence of armed conflicts in Africa" that have "forced millions of our people" into deplorable conditions.¹¹¹ But none of them is binding, and so are the overlapping regional instruments. Coordinating and harmonising "Africa's 14 RECs," and having "at least 2 RECs in each of Africa's sub-regions" implies membership to "more than one REC." Multiple, overlapping, memberships "constitute a 'spaghetti bowl' that hinders regional integration by creating a complex entanglement of political commitments and institutional requirements" that increase "costs of conducting intra-regional [politico-security] business."¹¹² States cannot allow, let alone manage, to be bound by multiple instruments. This limits states' commitment in these organisations.

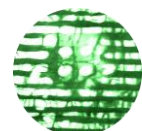
Many governments "have committed, in some cases, to obviously conflicting agendas in multiple RIAs", which renders questionable their commitment "to rules-based governance; more specifically whether RIAs are viewed as rules-based dispensations by their member

¹⁰⁹ Field Interviews, East Africa: EALA/T/01, 18 Aug. 2012); MIN/K/T/01 and 02, (6 Sept. 2012), Nairobi; EAC/SEC/T/04, Arusha (20 Sept. 2012); MIN/U/EAC/T/02, Kampala (16 Oct. 2012); and EAC/ACAD/05, Entebbe (21 Nov. 2012).

¹¹⁰ Donnelly, pp. 271-3

¹¹¹ PSC Protocol, Preamble

¹¹² Peter Drappa, Darrell Halleson, and Philip Alves, 2007, 'SACU, Regional Integration and the Overlap Issue in Southern Africa: From Spaghetti to Cannelloni?', *South African Institute of International Affairs*, Trade Policy Report No. 15, p. 1



states.”¹¹³ Overlapping instruments (protocols, memoranda, declarations) have different binding levels. Through their respect is a function of many factors—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—the binding-ness of APSA-instruments to signatory states differs from that RECs instruments.

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—whose provisions are similar to EASF instruments. EAC protocols EAC are more binding for they are appendages to the EAC Treaty. Once ratified, partner states domesticate them in national laws.¹¹⁴ Replication of provisions shows that security regionalisms that are parallel to the EAC are less binding to EAC partner states than EAC rules 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.”¹¹⁵ So, Kenya and Uganda have less security commitment in IGAD than Tanzania has in SADC. And none has as much legally-binding obligations in EASF or SADC as in the EAC. No SADC protocol is as binding as EAC protocols. Accordingly, only EAC instruments are binding—inasmuch as they are not inviolable. This indicates that states are more likely to respect EAC instruments than IGAD, ICGLR, SADC, or EASF instruments.

Implications for Implementation

The APSA’s institutional design in Eastern African is inconsistent with regional security cooperation in the EAC on grounds of state commitment, because overlapping memberships create multiple and conflicting engagements on the same issue from different fronts. This design places EAC instruments in conflict with SADC instruments to which Tanzania is a signatory: the SADC Mutual Defence Pact’s signatories, declared “that none of the international agreements between them and any Third Party is in conflict with the spirit and

¹¹³ Trudi Hartzenberg, 2011, ‘Regional Integration in Africa’, *WTO Staff Working Paper* ERSD-2011-14, p. 18

¹¹⁴ EAC Treaty, Articles 62-3; and Ch. 23

¹¹⁵ AU, *APSA*, p. 24



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.”¹¹⁶ Tanzania’s security agreements in the EAC contradict SADC’s. This may explain why negotiations for the EAC Defence Pact were protracted, forcing Kenya, Uganda, and Rwanda to sign a trilateral Pact.¹¹⁷ 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.¹¹⁸ The EASF’s organisational framework does not correct these overlaps.

Equally less binding are “Nairobi Process” instruments. This “process” regionalises the Bamako Declaration on SALWs. 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.¹¹⁹ The Bamako Declaration followed this initiative.¹²⁰ Under the “coordinated Agenda for Action” and the Nairobi Protocol, states agreed to cooperate in controlling the circulation of SALWs in the region.¹²¹ Five signatories to the protocol are not in the EAC: Djibouti, DRC, Eritrea, Sudan, Ethiopia, and Seychelles. Simultaneously, the EAC’s peace and security protocol provides for cooperation on SALWs within the 5-member EAC.

According to the APSA’s design, Regional Brigades are implementation mechanisms.¹²² Since the EASF is composed of states with obligations under the EAC, IGAD, SADC, ICGLR, and the Nairobi Process, these obligations should have been streamlined under the APSA. The EASF is based on non-binding instrument—an MoU between signatory States. An MoU is always a “gentleman’s agreement.”¹²³ It relies on states’ will. There is neither an agency to monitor compliance nor legal restraint against 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 their commitments beyond unilateral interests, which are sometimes difficult to harmonise; second, regional brigades may not acquire resources needed to implement the APSA in case of States’ reluctance.

¹¹⁶ SADC MDP, Art 15(1)(a)-(b)

¹¹⁷ Field findings; EAC, Defence Protocol, Art. 17; Alex Masereka, 2014 (Feb. 21), ‘EAC Leaders Sign Mutual Defense Pact’, (from: <http://www.redpepper.co.ug/eac-leaders-sign-mutual-defense-pact/>), Kampala: *The Red Pepper*

¹¹⁸ ICGLR, 2004, *Declaration on Peace, Security, Democracy and Development in the Great Lakes Region* (Dar es Salaam Declaration); *The Pact on Security, Stability and Development in the Great Lakes Region*. Dar es Salaam: ICGLR

¹¹⁹ Mitsuru Donowaki, 2004, ‘Small Arms, Africa and the United Nations (Ten Years of Interaction between Africa and the UN)’, presentation to “The PoA National Reporting Workshop”, 20-21 May, Nairobi

¹²⁰ AU, 2000, *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*, Bamako and Addis Ababa: AU

¹²¹ RECSA, 2000, *The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa; and Co-ordinated Agenda for Action on the problem of the proliferation of small arms and light Weapons in the Great Lakes Region and the Horn of Africa* - SAEM/GLR.HOA/1, Nairobi: RECSA

¹²² Vines; Touray; Franke; Williams

¹²³ 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



General Implementation Challenges

Beyond the aforesaid Panel of the Wise, the APSA has operational elements: the EWS, ASF, and Peace Fund. The conflict EWS was intended to create an observation and monitoring centre—"The Situation Room"—at the AU's Addis Ababa-based conflict management directorate. The "Room" would be responsible for data collection and analysis based on an appropriate "early warning indicators module." Little is known about this module. There is no evidence of the AU's intelligence network for detecting and forecasting conflicts. Perhaps the module entails voluntary conflict reports from ROs and States, which it collates basing on numeracy, regularity, and intensity of reported conflicts. Perhaps state agencies share intelligence informally, an hypothesis I cannot empirically substantiate, but which is not unlikely. However, EAC Partner States share counterterrorism, criminal, and related intelligence which may be helpful in conflict early warning.

Seeking to promote "a less cynical view of inter-African security cooperation"¹²⁴, Franke uses Wendt's constructivist thesis to examine the EWS. He observes a strong "Westphalian state in Africa", which exhibits aversion to external interference and an approach to security which ensures that cooperation is not inimical to state sovereignty.¹²⁵ Franke maintains that intersubjective structures of understanding guided by common aversion against external interference—instead of African solutions to African problems—inform the design and nature of security cooperation in Africa. Apparently, the APSA's implementation requires regional EWSs. However, only the EAC is constructing an Arusha-based conflict EWS with German support.¹²⁶ Whether the EAC's EWs would serve all EASF signatories would signify the EASF's dependence on the EAC.

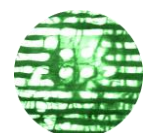
The EASF, East Africa's component of the *ASF*, includes "standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice." Their availability depends on individual States' readiness, willingness, and capacity to prepare such forces.¹²⁷ The AU Commission chairperson appoints a force commander, who reports to the special representative. The chairperson decides the force's command and special representative of the AU, under the mission's operating procedures. Special representatives report to the chairperson "through appropriate channels"; contingent commanders to the force commander. Civilian components report to the special representative, and appear to be placed above contingent commanders in this hierarchy. The military staff committee, composed of senior military officers from Council members, assists the Council in military and security affairs. Meeting at the level of

¹²⁴ Franke, 'Précis of *Security cooperation in Africa*', p. 85

¹²⁵ Ibid, p. 85-6

¹²⁶ Interviews with GIZ officials: Peace Uwineza (21 Sept.), Martin Ogango, and Miriam Heidtmann, 27 September 2012. Arusha

¹²⁷ It is unclear how many states have such contingents ready. 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)



Chief of Defence Staff (CDS), the staff committee discusses military-security requirements for Council's work. CDSs also make recommendations to the chairperson on how to enhance peace support capacities. The chairperson may convene follow-up meetings of CDSs from Council members for further deliberation.¹²⁸ These relationships give the Commission chairperson arduous coordination duties which seem less replicated at regional-brigade level. Consider the EASF's experience.

In a meeting of Eastern Africa CDSs, held 16-17 February 2004 at Jinja, Uganda, the military officers discussed the "Policy Framework for the establishment of East African Standby Brigade as one of the regional standby forces in Africa."¹²⁹ Later Heads of State agreed that the Brigade would operate under an MoU, which was signed on 11 April 2005 and came into force on 11 May 2005.¹³⁰ A Coordination Mechanism serves as the EASF Secretariat. According to the MoU, the EASF is "a fully operational and multidimensional joint and integrated" standby force with operational capability. Technical officials finalised a Development Plan, 2010-15, whose implementation remains slow. The EASF's Planning Element "plans, trains, and monitors EASF in order to ensure readiness of the different units". The "Element" is responsible for ensuring that the EASF's multidimensional aspects remain on standby for AU *peace support operations*. It works with the Nairobi-based International Peace Support Training Centre for training purposes.¹³¹

However, the EASF's operational structures are not yet fully established. The Brigade's logistical base and headquarter in Addis-Ababa, "remains to be operational", and "has only three professional staff". Such a skeletal structure scattered across spaces—the secretariat in Nairobi, Brigade headquarters in Addis Ababa, hundreds of miles apart—can hardly be effective as limited coordination and interaction stifles effective day-to-day operations of the Brigade's regular staff.¹³² The AU identified more constraints to the EASF: increasing internal tensions within the region, "internal tensions and conflicts in the member States, piracy in Somalia, and inadequate funding to support all EASF activities." There are shortfalls "in regional contribution to forces due to inability of member States to commit forces to EASF"; difficulties in coordinating the EASF's various structures; difficulties in regulating partnerships, technical, and financial support for strategic planning; limited communication with ROs especially the EAC and IGAD; absence of binding instruments; and "*constraints in political, diplomatic, and military regional cohesion*."¹³³ These limitations result from the APSA's institutional design, for they create security structures without linking them with pre-

¹²⁸ PSC Protocol

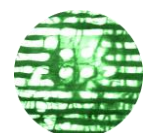
¹²⁹ AU, *APSA Assessment Study*, p. 40

¹³⁰ AU, APSA, pp. 39-42. IGAD, 2005, *Memorandum of Understanding for the Establishment of the East African Standby Brigade*, Djibouti: IGAD (accessed 15 February 2012 from http://www.operationspaix.net/DATA/DOCUMENT/3468~v~Memorandum_of_understanding_on_the_establishment_of_the_EASBRIG.pdf, 12 September 2012)

¹³¹ AU, *APSA Assessment Study*, pp. 39-42

¹³² Ibid

¹³³ *APSA Assessment Study*, p. 42



existing ROs. Coordination would be easier if the EASF and its tangential ROs operated under the same legal-political and institutional space.

Equally, the “**Peace Fund**”, which was intended to finance the APSA’s implementation by providing “the necessary financial resources for peace support missions, and other operational activities related to peace and security” suffers limitations. The Fund would include “financial appropriations” from the AU budget, arrears of contributions, states’ contributions, intra-Africa financial sources, and “appropriate fund-raising activities.”¹³⁴ The Commission may accept outside sources that conform to AU “objectives and principles”. The *Trust Fund*, within the Peace Fund, whose amount shall be determined by the AU policy organs upon the PSC’s recommendation¹³⁵, supplements the Peace Fund. Financing limitations afflict the Peace Fund partly because states have many sub-regional-security financial obligations.

An AU high-level audit of 2007 identified the “cause for concern regarding the funding of peace operations.” The Fund “remains small and precarious” since “only 6 percent of the regular budget is allocated to the Peace Fund.” This is “a paltry sum viewed against” Africa’s peacekeeping needs. The assessed contribution “has not been done and the reimbursement within six months of states contributing contingents to peace support operations, as provided for in the Protocol, has not always been honoured.”¹³⁶ These scanty contributions engender overreliance on “external partners.”¹³⁷ The AU Mission in Sudan (AMIS) and AMISOM, for instance, demonstrated the AU’s “over-reliance on external sources to finance peace operations.”¹³⁸ These issues prove Williams and Boutellis’ findings that resource constraints gainsay African attempts to solve African problems. States did little “to show their commitment to taking the destiny of their continent in their own hands by providing substantial resources for peace operations.”¹³⁹ But these funding constraints are not unique to Africa; they also afflict the UN. The UN’s peacekeeping budget alone is estimated at around \$5 billion. Yet its total budget is estimated at \$3 billion, much less than its peacekeeping component alone requires.¹⁴⁰ Beyond other factors—sovereignty concerns, competing interests, resource constraints, interstate conflicts—the APSA’s design affects states’ commitment to these overlapping security institutions.

Organisational, institutional, operational, and political-commitment limitations to the APSA’s implementation are not limited to Eastern Africa. The SADC regional brigade suffers tensions between member States, resource constraints, intrastate governance challenges, and limited internal and external coordination. “Regional security cooperation requires adept infrastructures underwritten by political commitment; but the organisation’s Secretariat

¹³⁴ PSC Protocol, Article 21

¹³⁵ Protocol on the Establishment of the APSA, Article 21(1)-(4).

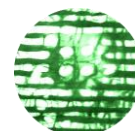
¹³⁶ The High-levelled Audit of the AU, pp. 102. In AU, 2010, *Peace and Security Architecture: Assessment Study*, p. 59

¹³⁷ Ibid, p. 59

¹³⁸ Williams and Boutellis, p. 271-4

¹³⁹ AU High Level Panel, 2007, *Audit of the African Union: High Level Panel*, Addis Ababa: AU (p. 102).

¹⁴⁰ *Audit of the African Union*



appears powerless to ensure policy implementation.”¹⁴¹ Nathan had observed “the reluctance of states to surrender sovereignty to a security regime that encompasses binding rules and decision-making.”¹⁴² Thus, the gridlock in SADC’s architecture “is related more to political will than merely structural and resource capacity” because States would like to “preserve their right to manage internal political processes”, signifying easier cooperation in economic than security affairs¹⁴³ and sovereignty concerns. “A collective approach requires genuine commitment to harmonise national policies at the regional level.”¹⁴⁴ This proves Nathan’s argument: States’ “tenuous hold on sovereignty”, and lack of “common values, mutual trust, and shared vision of the security regime” prevent states from ceding sovereignty to the SSF.¹⁴⁵

In Central Africa, ECCAS lack sovereignty concerns and organisational weaknesses afflict the FOMAC. “Decisions on in-house issues are highly centralised and have to be made by consensus among member States. Instead of generating cohesion among regional actors, this means sensitive issues on which member States differ are avoided.”¹⁴⁶ As Haftel and Thomson argue, “rule by consensus... is intended to protect state sovereignty and reign in IO autonomy since no obligation can be imposed without each member’s consensus.”¹⁴⁷ ECCAS member-States “have no great desire for assertive political and security cooperation that could raise questions about their opportunism and could prompt national desires for regional leadership.”¹⁴⁸ States fear that authoritative ECCAS operations may erode their sovereignty. These fears exacerbate the consequences of improper institutional design, such as limited coordination, scattered operational spaces, and competing political-security obligations as observed in East Africa.

The above AU observations on the EASF agree with my prediction that the APSA’s implementation faces three major challenges: political commitment; non-binding instruments; and contradictions between states’ obligation within the EAC and the EASF. Political goodwill is vital: though admittedly the “capacity of most African States to deploy effectively” is limited, “the self-interest of nation-States continues to be a constraint on APSA and its success.”¹⁴⁹ One way to address self-interests would have been an integrated institutional design. Thus, while Vines and Franke view the APSA as a promising security design, its decision-making rules, non-binding instruments, and conflicting obligations it creates are constrain its implementation in East Africa where parallel security-cooperation

¹⁴¹ International Crisis Group (ICG), 2012b, *Implementing Peace and Security Architecture (II): Southern Africa, Africa Report No. 191*, Brussels: ICG, p. i

¹⁴² Laurie Nathan, 2006, SADC’s Uncommon Approach to Common Security, 1992-2003’, *Journal of Southern African Studies*, 32 (3): 605-622 (p. 605)

¹⁴³ Ala Lipson

¹⁴⁴ ICG, p. 26

¹⁴⁵ Nathan, p. 605

¹⁴⁶ ICG, 2012a, *Implementing Peace and Security Architecture (I): Central Africa Crisis Group Africa Report N°181 (7 November 2011)*, p. ii and 24

¹⁴⁷ Haftel and Thomson, 2006, ‘The Independence of International Organisations: Concept and Applications’ *Journal of Conflict Resolution* 50(2): 253-275 (p. 258)

¹⁴⁸ ICG, *Report N°181*, p. ii

¹⁴⁹ Vines, p. 109



developments are taking place. Evidence of the APSA's lack of political goodwill in Eastern Africa abounds: when the AU requested states to contribute forces for AMISOM, only Burundi and Uganda, within the EASF, did so. Kenya was reluctant. She first unilaterally invaded Somalia following terrorist attacks, and later joined AMISOM.¹⁵⁰ To-date the EASF, whose standby brigade was expected to be operational by 2010, is not ready to face challenges like Somalia's al-Shabaab.

Some analysts question Uganda's intention in contributing to AMISOM. Fisher, for instance, argues that the country contributed in a diplomatic attempt to "manage donor perceptions". Uganda holds that it sought to promote peace and security in Somalia under the banner of Pan-Africanism; reduce Somali-originated SALWs that fuel cattle rustling in Karamoja; and due to its experience in similar insecurities. It would use its hard-earned experience of managing nonconventional wars, like guerrilla warfare and terrorism, to pacify Somalia as it did in Burundi, Rwanda, DRC, and Sudan. Fisher dismisses these considerations. Instead, he argues, the Museveni regime sought to assuage western donors who disliked mal-governance in Kampala.¹⁵¹ Fisher's judgment, however debatable, alludes to disconnection between the AU's security ideals and States' interests in making and implementing security decisions.¹⁵² This underscores the APSA's implementation difficulties given States' *selfish* interests in international security engagements.

This analysis has indicated that security cooperation challenges facing the EAC, which is one of the most institutionally robust and organisationally coherent ROs in Africa, render the APSA's implementation difficult given the overlapping memberships, tolerated in its design, that stifle state commitment. The APSA is regionalised in a nebulous way in East Africa given the aforementioned overlaps. Parallel regionalisms create an environment in which commitment remains problematic. This requires redefining the APSA's future by creating a more coherent institutional and organisational landscape for its implementation.

Conclusion: The APSA's Future lies in REC-Compatible Regional Brigades

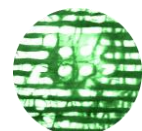
I argue that the future of the APSA lies in reconstituting and tailoring Regional Brigades along RECs, and enhancing RECs' politico-security cooperation capabilities. This has three implications. First, it will reduce conflicting decisions and overlapping decisional obligations. Second, it may enhance REC member-States' commitment and coordination, erase conflicting obligations, and relieve overstretched states. Finally, it may augment confidence-building measures within RECs in which member states have been undertaking security cooperation. I suggest three steps for creating a REC-compatible APSA.

First, restructure the institutional and organisational dimension of Africa's regional security cooperation. The ROs/RECs should be reconstituted such that "the five regions that are used

¹⁵⁰ Amb. Gen (Rtd). Narthan K Mugisha, Interview, Kampala, 18 Oct. 2012

¹⁵¹ Fisher, 'Managing Donor Perceptions'.

¹⁵² Interview, EA/ACAD/05, Entebbe (21 Nov. 2012)



as the basis of membership” to the PSC¹⁵³ under “the principle of equitable regional representation and rotation”¹⁵⁴, constitute both the RECs and Regional Brigades. This requires pressuring states with domestic governance problems—which risk isolation if existing members of RECs refuse to admit them due to poor governance—to improve their governance credentials in order to qualify for admission in the reconstituted ROs. This is consistent with the Constitutive Act’s objectives and principles, the PSC Protocol, and other good governance conventions.¹⁵⁵ It also requires merging some RECs altogether, with new states joining “as is” to avoid costs of renegotiating existing cooperation treaties. Existing decision-making rules, procedures, and responsibilities in the RECs—such as multi-level consensus in the EAC¹⁵⁶—should be maintained.

Second, strongly encourage states to cease multiple organisational memberships to ensure coherence and cohesion, avoid inter-RO conflicts, and enhance intra-RO confidence building. For instance, building on an “already-established tradition of undertaking joint manoeuvres and military exercises” between Kenya, Tanzania, and Uganda¹⁵⁷, EAC Partner States have undertaken defence confidence-building efforts involving joint exercises, training, technical cooperation, and intelligence sharing.¹⁵⁸ 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, conflicting obligations and commitment problems reduce. Tanzania, for instance, a signatory to the SADC Defence Pact, 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.¹⁵⁹ By signing the SADC Pact, Tanzania avoids any agreement that is inconsistent with the Pact.¹⁶⁰ Therefore, the EAC either harmonises its Pact with SADC’s Pact, which is not geopolitically easy, or it leaves Tanzania to decide under the principles of respect for state sovereignty and decisional autonomy. Yet, as an EAC founder member 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 interregional cohesion and coherence necessary to strengthen Regional Brigades.

Finally, strengthen these reconstituted and restructured RECs’ security-cooperation capabilities. There are three ways to achieve this: establishing and strengthening regional coordination agencies; intensifying and regularising security cooperation practices; and AU-

¹⁵³ Williams and Boutellis, p. 262;

¹⁵⁴ PSC Protocol, Art. 5(2)

¹⁵⁵ Constitutive Act; PSC Protocol. Also see: EAC, 2012, *Protocols on: Peace and Security & Defence Cooperation, and Good Governance* (Draft), Arusha: EAC (accessed on 16 July, 2014, from <file:///C:/Users/JOHN/Downloads/Pdf%20Draft%20Protocol%20on%20Good%20Governance.pdf>)

¹⁵⁶ EAC Treaty; EAC, 2001, *Protocol on Decision Making by the Council of Ministers*, Arusha: EAC

¹⁵⁷ AU, 2005, *Solemn Declaration on CADSP*, Sirte: AU, p. 29

¹⁵⁸ Leonard Onyonyi, 2014 (27th January) *The EAC Peace and Security Architecture*, Presentation to the 4th Meeting– 2nd Session of the 3rd East African Legislative Assembly, Kampala, p/Slide 5 & 16

¹⁵⁹ Confidential *Interview*, Arusha, 21 Sept 2012

¹⁶⁰ SADC Mutual Defence Pact, Art. 15



level coordination and monitoring of RO operations and activities. Regional agencies, such as the EAC's nascent peace and security directorate, are important. They can make and implement technical decisions. Consider the EASF's Coordination Mechanism¹⁶¹; RECSA's Nairobi-based secretariat¹⁶²; the EAC's evolving peace and security directorate¹⁶³; and ICGLR Secretariat in Bujumbura.¹⁶⁴ The same political and security officials, from the same states, attend meetings, make decisions, and bear responsibilities in all these agencies. They contribute all necessary kinds of resources. Were they merged into a single regional agency, officials would be less burdened. They would interact more regularly, hence making and implementing decisions faster. Besides, these organisations are based on different instruments. Only EAC instruments are binding in line with the Treaty.¹⁶⁵ Giving regional agencies the force of law within signatory states allows them to make and implement binding security-cooperation decisions, thereby intensifying and regularising security cooperation practices. These practices—information sharing, joint trainings and exercises, joint peace support operations, jointly seeking international support—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 needed to retain intra-RO and inter-regional cooperation and harmony.

¹⁶¹ AU, *APSA Assessment Study*, p. 39-40

¹⁶² Nairobi Protocol

¹⁶³ EAC, 2007, *14th Ordinary Council of Ministers Meeting* (EAC/CM 14/2007 & EAC/SC/11/2007 Decisions 9-15); EAC, 2008 (30 Dec.), *Gazette*, Volume AT1, No. 005, p. 14

¹⁶⁴ UN Security Council, *Resolutions 1291 and 1304*; ICGLR, *Dar es Salaam Declaration*

¹⁶⁵ EAC Treaty, Art. 8(2); 8(4)-(5)

