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## BETWEEN HIGH HOPES AND MODERATE RESULTS – A DECADE OF THE AFRICAN PEACE AND SECURITY ARCHITECTURE

**ABSTRACT** The aim of the paper is to present a comprehensive analysis of the African Peace and Security Architecture (APSA). This term refers to the set of institutions responsible for conflict prevention, management and resolution that has been established within the framework of the African Union. The APSA is comprised of five elements: the Peace and Security Council (PSC), the Continental Early Warning System (CEWS), the Panel of the Wise (PoW), the African Standby Force (ASF) with the Military Staff Committee (MSC), and the Peace Fund (PF). The paper is organized as follows. First, the origins of the project are presented. Then, the paper focuses on five elements of the APSA with special reference to two of them – the PSC and the ASF. Subsequently, the issue of the relations between the AU and other international actors, in particular the UN, is addressed. The paper concludes with remarks on the adequacy of the APSA to African peace and security challenges. The main finding is that despite extensive agenda, the first decade of the APSA was marked by moderate results caused by the scarcity of resources, lack of experience and opposition of some member states.

**Keywords:** African Security, APSA, Regional Security

## THE ORIGINS OF THE APSA

Although the establishment of the APSA started in the first years of the 21st century, the concept itself is a result of processes which lasted for decades. The year 1963 witnessed the creation of the Organization of African Unity (OAU) – a continental body aimed at strengthening cooperation of independent countries and helping anti-colonial movements in their struggle. The most important principles of the OAU included the following: sovereign equality of member states, non-interference in the internal affairs of other states, respect for territorial integrity and peaceful settlement of disputes<sup>1</sup>. The provisions of the *OAU Charter* put a state in a central and privileged position, thus pushing aside the ideas of Pan-Africanists. All of the OAU institutions were intergovernmental and not supranational. The view presented by the enthusiasts of deeper and wider integration, such as Kwame Nkrumah's concept of common defence policy with Joint African High Command, were not realised<sup>2</sup>.

Despite the dogmatic understanding of the principle of sovereign equality and intergovernmental character of cooperation, some conflict resolution initiatives were taken within the framework of the OAU. The main body responsible for the field – The Commission of Mediation, Conciliation and Arbitration – had never considered any international dispute. Its functions were taken over by the Assembly of the Head of States and Governments and – to a considerably lesser extent – by the Council of Ministers. The primary motivation behind these activities was to resolve a dispute by African leaders so that it would not be dealt with by non-African states and organizations. This strategy aimed at keeping the continent away from Cold War rivalry had been relatively successful until the mid-1970s. Later on, the engagement of foreign powers had become more and more visible. Together with the growing number of conflicts, this had led to a significant decrease of the OAU role as a conflict resolution platform. From 1963 to 1983, eighteen out of twenty eight international disputes (in the form of both armed confrontation and diplomatic skirmishes) were resolved as a result of OAU actions. In the next decade, the Organization proved successful in only four cases while failing in nine<sup>3</sup>. A relatively active role in international disputes did not mean the same scope of engagement in the internal conflict. Some limited initiatives were taken only incidentally, most notably in the Congo, Biafra (Nigeria) and Chad<sup>4</sup>. In the last case, the OAU authorized its first peacekeeping operation – a remarkable but unsuccessful

<sup>1</sup> *The Charter of the Organization of African Unity*, Addis Ababa, 25 May 1963, Art. 3, at <[http://www.au.int/en/sites/default/files/OAU\\_Charter\\_1963\\_0.pdf](http://www.au.int/en/sites/default/files/OAU_Charter_1963_0.pdf)>, 25 August 2014.

<sup>2</sup> K. van Walraven, 'Heritage and Transformation: From the Organization of African Unity to the African Union' in: U. Engel, J. G. Porto (eds.), *Africa's New Peace and Security Architecture. Promoting Norms and Institutionalizing Solutions*, Farnham 2010, pp. 32-36 (*Global Security in a Changing World*).

<sup>3</sup> *Ibid.*, pp. 41-45.

<sup>4</sup> *Ibid.*, pp. 45-47.

precedent<sup>5</sup>. At the same time, the Organization did not assume any position toward fierce crises in the Sudan and Ethiopia (Eritrea).

The transformation of the OAU into the African Union took place from 2000 to 2002, yet the reforms in the field of peace and security had been proposed by member states much earlier. In 1977 Nigeria submitted a project of a standing committee tasked with international conflict resolution. In 1978 the concept of the Peace and Security Council had been first announced. The PSC was supposed to have fifteen members, three from each of five sub-regions. Additionally, in the 1980s some other security institutions had been proposed, including: African Defence Forces, a Defence Council, a Committee of Chiefs of Staff and a Force Commander. None of them had been realised but the political will to reform the OAU peace and security policy was palpable<sup>6</sup>.

The end of the Cold War accelerated the processes of institutional change. The increase in number and intensity of internal conflicts sparked a discussion about the urgency to adapt to a new security environment. In 1990 the Assembly adopted the *Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World*. The OAU leaders committed themselves to conflict resolution efforts, referring to both internal and external crises<sup>7</sup>. In 1991 a group of leaders with Yoweri Museveni of Uganda as a mastermind prepared the so-called *Kampala Document* composed of four calabashes: security, stability, development and cooperation. Essentially, the authors stated that “the concept of security goes beyond military considerations; it embraces all aspects of the society including economic, political and social dimensions of individual[s], family, and community, local and national life”<sup>8</sup>. It can be perceived as one of the first manifestations of the end of state-centric model of security (like in *The OAU Charter*) and a turn toward a commitment to [a] wider sense of security “constructed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights”<sup>9</sup>.

Early 1990s witnessed not only political declarations – in 1991-1992 two observer missions in Rwanda (Neutral Military Observer Group I and II) were established<sup>10</sup>. In 1992 the Conflict Management Division was created within the OAU Secretariat. In the same year Secretary-General Salim Ahmed Salim proposed that the AU should have a right to conduct a humanitarian intervention when a country faces a state failure situation or a major humanitarian crisis. The leaders agreed only partially and – in 1993 – stated that should such circumstances occur, they will consider every possible

<sup>5</sup> For a detailed analysis of the OAU mission in Chad see: T. M. Mays, *Africa's First Peacekeeping Operation. The OAU in Chad, 1981-1982*, Westport 2002.

<sup>6</sup> K. van Walraven, ‘Heritage and Transformation...’, pp. 48-51.

<sup>7</sup> African Union, *AU in a Nutshell*, at <<http://www.au.int/en/about/nutshell>>, 25 August 2014.

<sup>8</sup> *Conference on Security, Stability, Development & Cooperation in Africa (CSSDS)*, Kampala 19-22 August 1991, at <[http://www.au2002.gov.za/docs/key\\_oau/cssdca.htm](http://www.au2002.gov.za/docs/key_oau/cssdca.htm)>, 25 August 2014.

<sup>9</sup> Ibid.

<sup>10</sup> W. Lizak, *Afrykańskie instytucje bezpieczeństwa*, Warszawa 2012, pp. 203-204.

option, including humanitarian intervention<sup>11</sup>. This assurance remained only a declaration of will. A more important decision was made during the 1993 Cairo summit where the Mechanism for Conflict Prevention, Management and Resolution was created. The MCPMR with the Central Organ (based on the Assembly Bureau) was meant to be a comprehensive answer to the post-Cold War security challenges. The Central Organ decided to deploy two peacekeeping operations – Observer Mission in Burundi (OMIB) and Observer Mission in the Comoros (OMIC). Additionally, the OAU Peace Fund was established<sup>12</sup>.

The creation of new institutions went hand in hand with a growing awareness of the need to establish an African peacekeeping force<sup>13</sup>. This process should be seen as a reaction to the reluctance of the UN to assume a proactive position toward crises on the continent. After the bitter failure in Somalia, the Security Council favoured diplomatic initiatives, resigning from authorizing multidimensional peacekeeping and peace-enforcement operations. One of the answers to the unwillingness of the UN was the concept of “African solutions to African problems”. According to this idea, African states themselves should take over a bigger portion of responsibility for conflict prevention, management and resolution on the continent. This thinking was supported by the concept of “African Renaissance” aimed at accelerating the socio-economic development in Africa and institutionalized in the form of the New Partnership for Africa’s Development (NEPAD)<sup>14</sup>.

The abovementioned processes were crowned by the transformation of the OAU into the African Union. During the Sirte summit in 1999 Muammar Gaddafi urged the establishment of the United States of Africa. This advanced proposal was criticised by some other states, most notably Nigeria and South Africa. Their leader, Olusegun Obasanjo and Thabo Mbeki had been the masterminds of a narrower African Union project. The 2000 Lome summit adopted *The Constitutive Act of the AU*. New organization has been launched in July 2002<sup>15</sup>. The change was far more than deleting the

<sup>11</sup> K. van Walraven, ‘Heritage and Transformation...’, pp. 49-51.

<sup>12</sup> See: M. Muyangwa, M. A. Vogt, *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000*, New York 2000, <[http://www.ipinst.org/media/pdf/publications/oau\\_conflict\\_1993\\_2000.pdf](http://www.ipinst.org/media/pdf/publications/oau_conflict_1993_2000.pdf)> [strona niedostępna] <[https://www.ipinst.org/wp-content/uploads/publications/oau\\_content/about-nepad#aboutourwork](https://www.ipinst.org/wp-content/uploads/publications/oau_content/about-nepad#aboutourwork)>, 6 September 2016; J. Levitt, ‘Conflict Prevention, Management, and Resolution: Africa – Regional Strategies for the Prevention of Displacement and Protection of Displaced Persons: The Cases of the OAU, ECOWAS, SADC, and IGAD’, *Duke Journal of Comparative and International Law*, Vol. 11, No. 1 (2001), pp. 39-79.

<sup>13</sup> W. Lizak, *Afrykańskie instytucje...*, pp. 207-236.

<sup>14</sup> Ibid., pp. 248-249. See also: F. Soederbaum, B. Hettne, ‘Regional Security in Global Perspective’ in: U. Engel, J. G. Porto (eds.), *Africa’s New Peace and Security Architecture...*, pp. 19-21; About NEPAD,] <<http://www.nepad.org/content/about-nepad#aboutourwork>>, 6 September 2016; *Africa’s Decade of Change. Reflections on 10 years of NEPAD*, A joint publications of the NEPAD Planning and Coordinating Agency, the Economic Commission for Africa and the Office of the Special Advisor on Africa, August 2012, <<http://www.un.org/en/africa/osaa/pdf/pubs/2013decadeofchange.pdf>> , 6 September 2016,

<sup>15</sup> See: S. Schmidt, ‘Through the Lens of European Integration Theory: African Peace and Security Architecture as a Framework in Transition’ in: H. Besada (ed.), *Crafting an African Security Architecture. Addressing Regional Peace and Conflict in the 21st Century*, Farnham 2010, pp. 24-25 (*International*

“O” from the OAU acronym. The AU is significantly different from its predecessor – it has new organs (Commission, Parliament), a modified view on economic development (the OAU approach of common self-sufficiency has given way to mainstreaming Africa in global economy) and a set of peace and security institutions<sup>16</sup>. The AU differs from the OAU also in the sphere of guiding principles. Most notably, sovereignty and non-interference in internal affairs are no longer absolute, although they occupy high positions on the list. Article 4(h) of *the Constitutive Act* provides for “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon recommendation of the Peace and Security Council”<sup>17</sup>. Moreover, Article 4(j) gives a Member State the right “to request intervention from the Union in order to restore peace and security”<sup>18</sup>. At the same time, article 4 confirms the role of sovereign equality and non-interference as guiding principles of the AU<sup>19</sup>. It should also be seen as highly symbolic that these principles are put before the right to conduct a humanitarian intervention<sup>20</sup>.

The provisions of Article 4(h) are connected with three ideas that have somehow dominated the global security discourse in the post-Cold War era: human security, responsibility to protect (R2P) and humanitarian intervention. The first of these provisions is usually associated with the *Human Development Report. New Dimensions of Human Security* published in 1994<sup>21</sup>. According to human security, the core value is the security of an individual, defined very broadly as: economic, food, health, environmental, personal, community and political security<sup>22</sup>. In the context of institutional transformation from the OAU to the AU the crucial element of the concept is the change of a central subject of security. In traditional discourse, the state is a core actor. Concurrently, human security puts the human being first and defines it as a fundament of state security<sup>23</sup>.

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*Political Economy of New Regionalisms*); J. Cilliers, ‘Hopes and Challenges for the Peace and Security Architecture of the African Union’ in: H. Besada (ed.), *Crafting an African Security Architecture...*, pp. 41-43.

<sup>16</sup> F. Soederbaum, B. Hettne, ‘Regional Security...’, pp. 20-21; ‘Africa’s New Peace and Security Architecture: An Introduction’ in: iidem (eds.), *Africa’s New Peace and Security Architecture...*, p. 1.

<sup>17</sup> *Protocol on the Amendments to the Constitutive Act of the African Union*, Maputo, 11 July 2003, Art. 4(h), at <<http://kenyalaw.org/treaties/treaties/290/>>, 25 August 2014.

<sup>18</sup> *The Constitutive Act of the African Union*, 11 July 2000, art. 4, at <<http://www1.uneca.org/Portals/ngm/Documents/Conventions%20and%20Resolutions/constitution.pdf>>, 25 August 2014.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> *Human Development Report 1994. New Dimensions of Human Security*, New York 1994, at <[http://hdr.undp.org/sites/default/files/reports/255/hdr\\_1994\\_en\\_complete\\_nostats.pdf](http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf)>, 6 September 2016.

<sup>22</sup> Ibid. It should be noted that some elements of the concept of human security had appeared much earlier, i.e. in the above-mentioned *Kampala Document*.

<sup>23</sup> F. Soederbaum, B. Hettne, ‘Regional Security...’, p. 16. See also: J. Czaputowicz, *Bezpieczeństwo międzynarodowe. Współczesne koncepcje*, Warszawa 2012, pp. 154-164 (*Stosunki Międzynarodowe*).

The second significant idea is the responsibility to protect, disseminated by the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS). According to the document, sovereignty gives states many rights but at the same time numerous duties<sup>24</sup>. The core one is to protect the citizens: "where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect"<sup>25</sup>. The three components of the R2P are the following: the responsibility to prevent (addressing both root and direct causes of a conflict), responsibility to react (responding in a crisis situation, with military intervention as an ultimate measure) and the responsibility to rebuild (assisting in recovery, reconstruction and reconciliation)<sup>26</sup>. The above-mentioned Article 4(h) of the *Constitutive Act* clearly refers to the R2P concept as it gives the AU the right to react.

When discussing the new AU approach to peace and security on the continent, the term humanitarian intervention should also be mentioned. According to J. L. Holzgrefe, it is "the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without permission of the state within whose territory is applied"<sup>27</sup>. Such an action is hedged around some conditions, namely: just cause, right intention, last resort, proportional means and reasonable prospects<sup>28</sup>. The legality of humanitarian intervention is disputable. According to the ICISS interpretation (not binding for any international body), only the UN Security Council and UN General Assembly can authorize it, while any regional organization willing to take such action is obliged to seek UN consent before the commencement or immediately after starting it<sup>29</sup>.

<sup>24</sup> The process of the conceptualization of Responsibility to Protect is analysed by F. Deng, 'The Evolution of the Idea of "Sovereignty as Responsibility"' in: A. Adebayo (ed.), *From Global Apartheid to Global Village. Africa and the United Nations*, Scottsville 2009, pp. 191-213.

<sup>25</sup> *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*, December 2001, p. XI, at <<http://responsibilitytoprotect.org/ICISS%20Report.pdf>>, 25 August 2014.

<sup>26</sup> L. Chitima, 'Balancing the Responsibility to Protect with Non-interference' in: T. Murithi, H. Lulie (eds.), *The African Union Peace and Security Council. A Five-year Appraisal*, Pretoria 2012, pp. 183-184 (ISS Monograph Series, 187).

<sup>27</sup> J.L. Holzgrefe, 'The Humanitarian Intervention Debate' in: J. L. Holzgrefe, R. O. Keohane (eds.), *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*, Cambridge 2003, p. 18.

<sup>28</sup> L. Chitima, 'Balancing the responsibility...', p. 184.

<sup>29</sup> *The Responsibility to Protect...*, pp. XII-XIII.



## THE ESTABLISHMENT OF THE APSA. THE RELATION BETWEEN THE AU AND SUBREGIONAL ORGANIZATIONS

*The Constitutive Act* contains highly ambitious peace and security goals but does not give any specific institutional framework for realizing them. Thus, the Assembly of the Union during its first session in Durban in 2002 adopted *The Protocol Relating to the Establishment of the Peace and Security Council of the African Union*<sup>30</sup>. The document entered into force in December 2003, the date that can be seen as a starting point of the African Peace and Security Architecture. The organs of the APSA are: the Peace and Security Council, the Continental Early Warning System, the Panel of the Wise, the African Standby Force with the Military Staff Committee and the Peace Fund<sup>31</sup>. The APSA has two main levels – continental and subregional. The first one is constituted by the AU and its organs, especially the Assembly and the Commission. The subregional level is composed of eight Regional Economic Communities (RECs): the Arab Maghreb Union (AMU), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWA), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC). In 2008 the AU and the above-mentioned organizations signed the *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* with an aim of strengthening partnership in peace and security, as well as in the operationalization of the APSA. What is important is that not only the AU and the RECs signed the document. Two other parties are independent regional coordination mechanisms (RMs) – the structures responsible for the African Standby Brigades in the east (*East Africa Standby Brigade Coordination Mechanism*, EASFCOM) and in the north (North Africa Regional Capability, NARC) Africa<sup>32</sup>.

The role given to subregions in the APSA derives from the concept of security regionalism, defined as “attempts by states and other actors in a particular geographical area – a region in the making – to transform a security complex with conflict-generating interstate and intrastate relations towards a security community characterized by co-operative external (interregional) relations and internal (intraregional) peace”<sup>33</sup>. The

<sup>30</sup> W. Lizak, *Afrykańskie instytucje...*, pp. 283-284.

<sup>31</sup> *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, Durban, 9 July 2002, at <<http://www.peaceau.org/uploads/psc-protocol-en.pdf>>, 25 August 2014.

<sup>32</sup> *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, January 2008, at <<http://www.peaceau.org/uploads/mou-au-rec-eng.pdf>>, 25 August 2014.

<sup>33</sup> U. Engel, J.G. Porto, ‘Africa’s New Peace...’, p. 16.

importance of the subregional level is also connected with the notion of a regional security complex: "a group of states whose primary security concerns link together sufficiently closely that their national security cannot realistically be considered apart from one another"<sup>34</sup>. According to both concepts, the states of a given subregion could be very effective in keeping peace and security as they are highly motivated to do so because of their vital national interests. The political will is clearly bigger once it is closer to the events. Thus, regional and global actors are potentially less willing to engage their valuable resources for a long period of time (see: inconstant US engagement in the Somali crisis in the early 1990s).

Within the APSA there are five subregions on the continent (northern, western, central, eastern and southern) but the 2008 MoU has been signed by 8 RECs and 2 RMs. This fact implicates some problems, mainly in the process of the establishment of the ASF. According to international law, subregional organizations are not subordinated to the AU. In practice, the crucial right to authorize a humanitarian intervention is given only to the AU Assembly, and peace support operations request the decision of the Peace and Security Council. RECs and RMs can only conduct regional standby force operation – a term defined insufficiently as an action consistent with the AU guiding principles<sup>35</sup>. A certain level of autonomy given to subregional organizations seems reasonable when one takes into account the potential and the speed of reaction of the subregional body. For instance, during the Mali crisis in 2012, the ECOWAS was first to suspend this country in the membership rights; the AU only followed. This case is significant also as a sign of a trend to delegate tasks to subregional organizations. In July 2012 the AU Peace and Security Council authorizes the ECOWAS to conduct an intervention in Mali in order to fight terrorism and strengthen the control of the government in the north<sup>36</sup>.

The next issue related to subregional division is that some states are members of more than one RECs/RMs. Tanzania is a part of the eastern subregion and a member of the EAC but also has taken part in the establishment of the southern African Standby Brigade. The case of Angola is similar – it is a country that was supposed to constitute a fundament of the Central African Standby Brigade but has given preference to join the southern brigade. The ambivalence of these states is an obstacle to the operationalization of the APSA but yields some profits to the government concerned. Primarily it gives them a possibility to choose structures that serve best their national interests<sup>37</sup>.

<sup>34</sup> B. Buzan, *People, States and Fear. An Agenda for International Security Studies in the Post-Cold War Era*, Boulder 1991, p. 190 in: F. Soederbaum, B. Hettne, 'Regional Security...', p. 17.

<sup>35</sup> Y. Kasumba, Ch. Debrah, 'An Overview of the African Standby Force (ASF)' in: C. De Coning, Y. Kasumba (eds.), *The Civilian Dimension of the African Standby Force. Peace Support Operations Division of the African Union Commission*, Mount Edgecombe 2010, pp. 14-15.

<sup>36</sup> A. Vines, 'A Decade of African Peace and Security Architecture', *International Affairs*, Vol. 89, No. 1 (2013), pp. 104-105, at <<http://dx.doi.org/10.1111/1468-2346.12006>>.

<sup>37</sup> *Ibid.*, p. 102; *African Peace and Security Architecture (APSA). 2010 Assessment Study*, Report Adopted by the Third Meeting of the Chief Executives and Senior Officials of the AU, RECs and RMs on the Implementation of the MoU on Cooperation in the Area of Peace and Security, 4-10 November 2010,



## ELEMENTS OF THE APSA

This part of the paper is devoted to a detailed analysis of the elements of the APSA, namely: the Peace and Security Council, the African Standby Force, the Military Staff Committee, the Continental Early Warning System, the Panel of the Wise and the Peace Fund. The focus would be on their accomplishments and weaknesses.

## THE PEACE AND SECURITY COUNCIL

The central organ of the APSA is the Peace and Security Council. This has been emphasized in 2003 by including the PSC to the group of the AU organs<sup>38</sup>. According to Article 2 of the *PSC Protocol*, the Council is a “standing decision-making organ for the prevention, management and resolution of conflicts”<sup>39</sup> with membership based on five subregions. Fifteen members of the Council are selected for a period of two (10 members) or three (5 members) years by the Assembly according to subregion division. Southern, Central and Eastern Africa have three seats each, Northern – two and Western – four seats (as the subregion with the biggest number of states)<sup>40</sup>. The one-month chairmanship in the PSC is rotational<sup>41</sup>. Despite the propositions of continental powers, the permanent membership and veto power were not introduced.

According to Article 5 of the *PSC Protocol*, a state that is willing to become a PSC member has to meet several conditions, most notably the “capacity and commitment to shoulder the responsibilities entailed in membership, [...] contribution to Peace Fund [...], respect for constitutional governance, in accordance to the Lome Declaration, as well as the rule of law and human rights”<sup>42</sup>. These criteria are not absolute, for instance in the years 2004-2006 when the crisis in Darfur was particularly fierce, the Sudan was a PSC member. The financial contribution of some other members of the Council (another criterion) was also minimal (see Lesotho in 2004-2006 and Mali in 2008-2010)<sup>43</sup>.

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Zanzibar, at <<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>>, 25 August 2014.

<sup>38</sup> W. Lizak, *Afrykańskie instytucje...*, p. 284.

<sup>39</sup> *Protocol Relating...*, art. 2.

<sup>40</sup> K. Aning, *Understanding the institutional dynamics and decision-making processes of the PSC*, in: T. Murithi, H. Lulie (eds.), *The African Union Peace and Security Council. A five-year appraisal*, Pretoria 2012, p. 29.

<sup>41</sup> *Protocol Relating...*, Art. 8 p. 6.

<sup>42</sup> Ibid., Art. 5; K. Aning, ‘Understanding the Institutional Dynamics and Decision-making Processes of the PSC’ in: T. Murithi, H. Lulie (eds.), *The African Union...*, p. 29.

<sup>43</sup> K. Sturman, A. Hayatou, ‘The Peace and Security Council of the African Union: From Design to Reality’ in: U. Engel, J. G. Porto (eds.), *Africa’s New Peace and Security Architecture...*, pp. 64-66.

The competences of the body and the importance of the issues discussed during the PSC meetings implicate the high value given by the states to the membership. The biggest countries aspiring to the role of regional powers are quasi-permanent members of the Council, for instance a representative of Nigeria has taken part in the meetings continuously since the establishment of the PSC in 2004. Equally symptomatic is the growing number of the meetings – from 23 in 2005 to three times more in 2008. The Council discussed many controversial matters (such as the Darfur crisis) and took several important decisions (i.e. on the authorization of African Union Mission in Somalia – AMISOM). At the same time, the PSC has been largely disengaged from other crucial issues, such as Somaliland independence ambitions and the conflict in the Niger Delta<sup>44</sup>.

Some of the most essential rights of the PSC include: taking actions in conflict prevention, peacemaking and peacebuilding, authorizing peace support operations and determining their mandates, recommending to the Assembly the conduct of humanitarian intervention, imposing sanctions on the AU members, pursuing a common defence policy, promoting partnership with the UN, and supporting humanitarian activities in case of conflicts and natural disasters<sup>45</sup>. Although the decisions in above-mentioned matters are made with 2/3 qualified majority, the provisions of Article 8 (Paragraph 13), as well as practice stemmed from the OAU, promotes consensual decision-making. This fact limits the freedom of action in particularly controversial cases. Despite the lack of formal veto power, some influential states, acting independently or in a group, are able to block a decision. “Although debate within the Council meetings is often heated, the communiqués issued afterwards are carefully worded to reflect consensus”<sup>46</sup>. Another principle – the exclusion from the discussion of a state engaged in a debated matter – is not completely maintained as well. For instance, in 2007 an Ethiopian representative did participate in the meeting on the Ethiopian intervention in Somalia<sup>47</sup>.

One of the central problems in the work of the PSC are unconstitutional changes of government. *The Lomé Declaration* clearly states that coups are “unacceptable developments” but focus on the way of assuming power<sup>48</sup>. At the same time, in many cases the leaders win democratic elections but then change constitutions and manipulate election results to maintain power despite the will of citizens<sup>49</sup>. Such situations were condemned in the 2009 *Ezulwini Document*<sup>50</sup>. Thus, the AU has adopted a wider per-

<sup>44</sup> P.D. Williams, ‘The Peace and Security Council of the African Union. A Framework for Evaluation’ in: T. Murithi, H. Lulie (eds.), *The African Union...*, pp. 9-13.

<sup>45</sup> *Protocol Relating...*, art. 7.

<sup>46</sup> K. Sturman, A. Hayatou, ‘The Peace and Security Council...’, p. 66.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Lomé Declaration on the framework for an OAU response to unconstitutional changes of government*, Lomé, Togo, 10-12 July 2000, at <[http://www2.ohchr.org/english/law/compilation\\_democracy/lo-medec.htm](http://www2.ohchr.org/english/law/compilation_democracy/lo-medec.htm)>, 25 August 2014.

<sup>49</sup> I. K. Souare, ‘The PSC and Unconstitutional Changes of Government in Africa’ in: T. Murithi, H. Lulie (eds.), *The African Union...*, pp. 149-150.

<sup>50</sup> *Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in situations of Unconstitutional Changes of Government in Africa*, Ezulwini, Kingdom of Swaziland, 17-19

spective on unconstitutional changes of governments but again the possibilities to introduce such a policy are limited due to the number and relative significance of states with undemocratic leaders. The PSC reacted in the cases of the coups, i.e. in 2005 it condemned the coup in Togo and in 2008 it suspended Mauretania and imposed sanctions on the main figures of the junta<sup>51</sup>. From 2000 to 2010 there were twelve unconstitutional changes of government while in the last decade of the 20th century this number was sixteen<sup>52</sup>. As both numbers are quite similar, the conclusion that the introduction of the *Lome Document* improved the situation in the area does not hold.

According to Kwesi Aning, an important problem is the insufficient institutional background of the PSC. Since 2005 the Council has its own Secretariat tasked with administrative support of the PSC. In practice, the organ is highly dependent on the Commission which gives the latter an influence on the PSC activities<sup>53</sup>. The predominant role of the Commission stems from *The Constitutive Act* and *The PSC Protocol*, as well as from everyday practice. The latter document says that the Council takes many actions “in conjunction with the Chairperson of the Commission”<sup>54</sup>. Moreover, the Special Representative of the Chairperson of the Commission is the head of a peace support operation, authorized by the PSC<sup>55</sup>. When it comes to organizational practice, in the face of minor capabilities of the PSC Secretariat, the Commission has taken over a significant part of agenda-setting activities. The vigorous activity of the Commission determines that the body has had far greater influence on the APSA than could be expected judging from the *Constitutive Act* and the *PSC Protocol*<sup>56</sup>.

The assessment of the first decade of the PSC is somehow ambiguous. The Council is now well-grounded in the AU institutional landscape. Regular meetings, heated discussions and numerous communiqués prove the importance given to the PSC by member states. The Council has taken numerous crucial decisions, reacting on the lack of initiatives of the UN Security Council in the cases of Darfur and Somalia with authorizing peace support operations (AMIS and AMISOM, respectively). Sanctions imposed on undemocratic regimes are signs of growing attachment given to democratic principles. At the same time the Council is a field of rivalry. Its actions are the results of a clash of major powers that have quasi-permanent membership in the PSC. Although the veto power has not been granted to any state, the political culture of

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December 2009, at <<http://www.peaceau.org/en/article/ezulwini-framework-for-the-enhancement-of-the-implementation-of-measures-of-the-african-union-in-situations-of-unconstitutional-changes-of-government-in-africa-ezulwini-kingdom-of-swaziland-17-19-december-2009#>>, 25 August 2014.

<sup>51</sup> I. K. Souare, *The PSC and unconstitutional changes...*, pp. 153-155. See also: M. Eriksson, *Supporting Democracy in Africa – African Union's use of Targeted Sanctions to deal with Unconstitutional Changes of Government*, FOI Report June 2010.

<sup>52</sup> I. K. Souare, ‘The PSC...’, p. 152.

<sup>53</sup> K. Aning, ‘Understanding...’, pp. 31-37.

<sup>54</sup> *Protocol Relating...*, art. 7.

<sup>55</sup> *Ibid.*, art. 13 p. 6.

<sup>56</sup> K. Aning, ‘Understanding...’, p. 35.

consensus limits the freedom of action. Moreover, the problem is the underdeveloped institutional infrastructure of the Council and the influence of the Commission on its everyday work.

## THE AFRICAN STANDBY FORCE

The idea of continental armed force could date back to the 1960s. The Cold War logic undermined these efforts. In the 1990s the concept gained the attention of leaders again. The main impulse to intensify the process of the establishment of a peacekeeping force was the more and more passive attitude of external powers toward African crises. The alarming symptoms were the withdrawal of U.S. forces from Somalia after the October 1993 debacle and the lack of reaction during the genocide in Rwanda. During the 1997 meeting of African chiefs of staff in Harare the participants proposed the establishment of rapid reaction forces able to take action in case of threats to peace and security on the continent. The structure was supposed to be based on five subregions, each providing one brigade<sup>57</sup>. Hopes that such a project was realistic were strengthened by the ECOWAS experience – in 1990 this subregional body created its own peacekeeping force in the form of the ECOWAS Monitoring Group (ECOMOG)<sup>58</sup>.

The preparations have gained a new impetus as *The Constitutive Act* entered into force. The above-mentioned provisions of the document, especially those related to humanitarian intervention, required the establishment of the relevant implementation mechanisms. Moreover, in the face of UN reluctance toward conducting peace operations in African failed states (like Somalia), the need for independent African force able to take actions in such environments had become even more evident. In the *PSC Protocol*, adopted in 2002, the African Standby Force was established. According to Article 13, ASF “shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice”<sup>59</sup>. The details of the project are outlined in the 2003 *Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee*, as well as in three *Roadmaps for the Operationalization of the African Standby Force*, adopted in 2005, 2008 and 2011<sup>60</sup>.

<sup>57</sup> O. Bachmann, *The African Standby Force. External Support to an “African Solution to African Problems”*, Brighton 2011, p. 24 (*IDS Research Reports*, 67), at <<http://www.ids.ac.uk/files/dmfile/Rr67web.pdf>>, 25 August 2014.

<sup>58</sup> Further details in: A. C. Ohanwe, *Post-Cold War Conflicts in Africa. Case Studies of Liberia and Somalia*, London 2009; R. Tavares, ‘The Participation of SADC and ECOWAS in Military Operations: The Weight of National Interest in Decision-Making’, *African Studies Review*, Vol. 54, No. 2 (2011), pp. 145-176, at <<http://dx.doi.org/10.1353/arw.2011.0037>>.

<sup>59</sup> *Protocol Relating...*, Art. 13 p. 1.

<sup>60</sup> *Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee*, Addis Ababa, 15-16 May 2003, at <<http://www.peaceau.org/uploads/asf-policy-framework-en.pdf>>, 6 September 2016; A. Vines, ‘A Decade...’, p. 103.

Political control over the ASF is performed by the PSC and the Assembly. The Council authorizes peace operations, such as advisory, observer, peacekeeping and peacebuilding missions, and determines their mandates. What is important is that decisions are made by a 2/3 majority; thus, there is no need for unanimous voting<sup>61</sup>. Once the conditions described in Article 4(h) occur, the Council recommends to the Assembly a humanitarian intervention in a state in question<sup>62</sup>. The chiefs of states and governments decide unanimously or – if reaching a consensus is not possible – by a qualified 2/3 majority. After an African force (either as a peace support operation or humanitarian intervention) is deployed control shall be taken over by the Special Representative of the Chairperson of the AU Commission. Until a SRCC appointment is made, his/her duties are performed by the commander of the military unit<sup>63</sup>.

The *Political Frameworks* and *Roadmaps* contain details related to the ASF tasks. Once full operational capacity will be reached, the Force will be able to conduct six types (scenarios) of the operation:

- AU/Regional Military advice to a political mission,
- AU-Regional observer mission co-deployed with UN mission,
- Stand-alone AU/Regional observer mission,
- AU/Regional peacekeeping force for Chapter VI and preventive deployment missions,
- AU peacekeeping force for complex multidimensional peacekeeping mission-low level spoilers,
- AU intervention in cases of i.e. genocide where international community does not act promptly<sup>64</sup>.

The main advantage of the ASF should be swiftness of reaction in crisis situations. In the first four scenarios, peace force is planned to be deployed no more than 30 days after the PSC decision. Complex multidimensional operation (scenario 5) will start in 30 days (military unit) and reach full operational capacity after next 60 days as police and civilian units will arrive. Humanitarian intervention (scenario 6) is assumed to start no more than 14 days after authorization by the Assembly<sup>65</sup>. These short periods of time should be considered while keeping in mind that a decision to deploy the ASF should be preceded by several steps, including a fact-finding mission<sup>66</sup>. These preparatory measures postpone the deployment but simultaneously give some time for necessary arrangements.

Such brief periods of deployment indicated in six scenarios basically mean that each ASF brigade would have to maintain full operational capacity in a permanent manner.

<sup>61</sup> *Protocol Relating...*, Art. 7 p. 1(c) and 1(d).

<sup>62</sup> *Ibid.*, Art. 7 p. 1(e).

<sup>63</sup> J. Cilliers, J. Pottgieter, 'The African Standby Force' in: U. Engel, J. G. Porto (eds.), *Africa's New Peace and Security Architecture...*, p. 124.

<sup>64</sup> *Policy Framework for the Establishment...*, p. 1.6.

<sup>65</sup> *Ibid.*, p. 2.8-2.9.

<sup>66</sup> J. Cilliers, J. Pottgieter, 'The African Standby Force...', p. 126.

Assessing that in the first stages of deployment some basic tasks (such as protection of civilians and core infrastructure) can be fulfilled by a limited number of personnel, the concept of Rapid Deployment Capacity has been developed. RDC is supposed to be used at the beginning of operations from scenarios 4-6. In the first 14 days after authorization, 1000 troops, police officers and civilian personnel should operate in the area, followed by the next 1500 members of the personnel after the next 14 days. Four weeks after the deployment decision, RDC will be replaced by or strengthened with "regular" ASF<sup>67</sup>.

The ASF is based on three levels: continental, subregional and national. On the highest one, the most prominent roles are played by the Assembly, the PSC and the Commission. The Chairperson of the Commission appoints a Special Representative that heads AU peace support operations (just as the Special Representative of the Secretary-General in the UN peace operations). Moreover, within the Peace and Security Department a special unit – the Planning Element (PLANELM) – harmonizes, coordinates and supervises the cooperation between regional brigades. The Planning Element is authorized to modify the ASF doctrine, operational procedures and other similar guidelines. PLANELM is also tasked with maintaining and developing partnerships with the UN and other regional organizations willing and able to support the ASF<sup>68</sup>.

The next level of the ASF structure is based on the division on five subregions, each of which is supposed to prepare one brigade composed of military, police and civilian component. As mentioned above, the brigades have been created within the framework of RECs (centre, west and south) or by specially established RMs (east and north). In Eastern Africa, there are two regional organizations – the IGAD and the EAC<sup>69</sup>. Because of the fact that the Authority has eight members and the Community – five, the governments of the subregion decided to establish independent Regional Mechanism – EASBRICOM (since 2010 – EASFCOM)<sup>70</sup>. In the north of the continent, as Egypt is not a member of AMU and would be excluded from the brigade should it be constructed within the Union, the North African Regional Capacity was created<sup>71</sup>. The states of three other subregions – western, central and southern – tasked the Regional Economic Communities (ECOWAS, ECCAS and SADC, respectively) with the establishment of the ASF brigades<sup>72</sup>. Each of five subregions make decisions about the number of personnel in a brigade, for instance the Force Multinationale de l'Afrique

<sup>67</sup> Ibid., pp. 126-127.

<sup>68</sup> B. Franke, 'Steady but Uneven Progress: The Operationalization of the African Standby Force' in: H. Besada (ed.), *Crafting...*, pp. 180-181.

<sup>69</sup> See more in: K. Tlalka, 'Działalność Międzyrządowej Organizacji ds. Rozwoju w świetle perspektyw integracji regionalnej w Rogu Afryki' in K. Jarecka-Stępień, J. Kościółek (eds.), *Problemy współczesnej Afryki. Szanse i wyzwania na przyszłość*, Kraków 2012, pp. 127-149; idem, 'Wspólnota Wschodnioafrykańska – stan obecny i perspektywy', *Gentes et Nationes*, No. 4 (2011), pp. 75-94.

<sup>70</sup> J. Cilliers, J. Pottgieter, 'The African Standby Force...', pp. 134-135; *African Peace and Security Architecture (APSA)...*, pp. 40-42.

<sup>71</sup> *African Peace and Security Architecture (APSA)...*, pp. 45-47.

<sup>72</sup> Ibid., pp. 43-45, 47-52.



Centrale (FOMAC) will have 4800 soldiers, policemen and civilians, whereas the ECOWAS Standby Force (ESF) is to have a personnel of 6200<sup>73</sup>.

Member states constitute the lowest level of the ASF structure. They are responsible mainly for providing personnel for subregional brigades<sup>74</sup>. For a multinational force to be fully operational there is a need to follow the same or largely similar training procedures. This is a huge challenge, taking into account the different models of armed forces within every subregion. What is important is that the differences in the military potential of states (i.e. in Eastern Africa – Ethiopia and Djibouti, in Southern Africa – South Africa and Swaziland) make equal burden-sharing virtually impossible. It is particularly visible in Western Africa where the efforts to operationalize ESF have been dominated by Nigeria.

Both the wide scope of tasks and short timeframe of deployment, as well as some political factors, have impeded the implementation of the ASF *Roadmaps* and *Framework*. Initially it was assumed that full operational capability would be reached in 2010. In the latest roadmap, adopted in 2011, the date has been postponed until 2015<sup>75</sup>. Given the current state of play, this deadline should be assessed as a rather unrealistic one. Eastern, western and southern subregions are relatively advanced in the process but the centre and the north subregions are clearly falling behind<sup>76</sup>. The Arab Spring has delayed any progress within the NARC. One of the main advocates and sponsors of the ASF, Muammar Gaddafi, lost power. A regional military power – Egypt – has been in turmoil since the fall of Hosni Mubarak. Central African states struggle with internal weakness and none of them has enough potential to assume the role of a leading nation in the establishment of FOMAC. The progress in the ASF project is more visible in Southern, Western and Eastern Africa. The ECOWAS and the SADC are relatively efficient subregional structures, although the dominance of Nigeria and South Africa causes some fears among minor states in both subregions. The engagement of several states is limited by the lack of human and financial resources. The related issue of the ownership of the ASF will be addressed in the subsequent parts of the paper.

The case of the Eastern Africa Standby Force requires a more detailed analysis<sup>77</sup>. As mentioned before, the lack of common subregional organization resulted in the establishment of a regional coordination mechanism, the EASBRICOM (since 2010 – EASFCOM). This structure proved to be effective. The EASFCOM members have created the Planning Element, Logistic Base and Brigade Headquarters<sup>78</sup>. The person-

<sup>73</sup> O. Bachmann, *The African Standby Force...*, p. 31.

<sup>74</sup> B. Franke, 'Steady but Uneven Progress...', pp. 181-182.

<sup>75</sup> A. Vines, 'A Decade...', p. 103.

<sup>76</sup> *African Peace and Security Architecture (APSA)...*, pp. 40-52; B. Franke, 'Steady but Uneven Progress...', pp. 188-197; J. Cilliers, J. Pottgieter, 'The African Standby Force...', pp. 132-137.

<sup>77</sup> See: C. Hull, E. Skeppstrom, K. Sorenson, *Patchwork for Peace. Regional Capabilities for Peace and Security in Eastern Africa*, Stockholm 2011 (FOI Report, 3048 SE), at <[http://www.foi.se/ReportFiles/foir\\_3048.pdf](http://www.foi.se/ReportFiles/foir_3048.pdf)>, 25 August 2014.

<sup>78</sup> J. Bouhuys, 'The Eastern Africa Standby Force. Enhancing Peace and Security in the Eastern Africa Region', *Intercom*, No. 2 (2011), at <<http://www.vovklicl.nl/intercom/2011/2/27.pdf>>, 25 August 2014.

nel from several countries conducted field exercises, for instance in May 2013 in Uganda more than 1200 people from 10 states took part in *Mashariki Salam* training<sup>79</sup>. Slow but steady progress has also been made in the development of the civilian unit, a feature not observed in other brigades. The police component with more than 200 officers took part in the AMISOM. The EASF has also participated in the work of the United Nations Political Office for Somalia (UNPOS) and the United Nations Support Office for AMISOM (UNSOA)<sup>80</sup>. This optimistic view is disturbed by several problems, the most important of which is that only 10 out of 15 states participate in the EASF-COM. From various reasons, South Sudan, Eritrea, Tanzania, Madagascar and Mauritius do not fully participate in the process, preferring to stay out of any ASF brigade, joining groups other than the Eastern one or being unable to take part because of internal weakness. On the other hand, Burundi and Rwanda contribute to the EASF<sup>81</sup>. A more general problem of the ASF has to do with the tense relations within the subregion and the underdevelopment of the army and the police in virtually every country<sup>82</sup>.

The process of the establishment of a continental peace forces which would be able to react in conflicts and crises is a consequence of the provisions of *The Constitutive Act*, specifically the one related to humanitarian intervention. The ASF project is complex and ambitious. Six scenarios cover a wide array of operations ranging from military advice to peacekeeping and peace enforcement. However, a closer look indicates several obstacles in the operationalization of the ASF and the concept itself. The short deployment time would probably be difficult to meet even for a well-trained and well-equipped force; at the same time, most African armies suffer from the lack of human and financial resources.

Another problem could be the hesitancy of African leaders about the structure and tasks of the ASF. During the 2013 Addis Ababa summit heads of states and governments made a decision to establish the African Capacity for Immediate Response to Crisis. The ACIRC has been planned as a temporary measure in order to give the AU military capacity until the ASF will reach full operational capacity<sup>83</sup>. However, given the limited progress in the operationalization of the ASF, the ACIRC – if they succeed – they may be seen as an alternative to the ASF. It should not be seen as impossible, as the new project seems far more favourable to several countries. First, the occasional character of the ACIRC leaves a bigger portion of control on armed forces for troop contributors. Second, a new initiative – based on *ad hoc* contingents – gives the states an excellent oppor-

<sup>79</sup> *East Africa: Eastern Africa Standby Force to Have Operational Capacity by 2015*, All Africa, at <<http://allafrica.com/stories/201305190005.html>>, 25 August 2014.

<sup>80</sup> J. Bouhuys, 'The Eastern Africa Standby Force...'

<sup>81</sup> *African Peace and Security Architecture (APSA)*..., pp. 40-42.

<sup>82</sup> For a detailed analysis of the EASF see: K. Tlalka, 'East African Standby Force. Shortcomings and Prospects for the Future' in ECAS 2013, 5th European Conference on African Studies "African Dynamics in Multipolar World", Lisboa 2014, at <[https://repositorio.iscte-iul.pt/bitstream/10071/7542/1/Tlalka\\_Krzysztof\\_ECAS\\_2013.pdf](https://repositorio.iscte-iul.pt/bitstream/10071/7542/1/Tlalka_Krzysztof_ECAS_2013.pdf)>, 25 August 2014.

<sup>83</sup> A. Maasho, *African Leaders Create Emergency Military Force*, Reuters, 27 May 2013, <<http://www.reuters.com/article/2013/05/27/us-africa-force-idUSBRE94Q08R20130527>>, 25 August 2014.

tunity to attract foreign aid for their armies. It should be noted that the ASF receives attention (and resources) from external donors, assistance the particular governments are willing to see as a reinforcement of their own national military sectors.

Another weakness of the ASF concept has to do with a relatively small number of personnel. Supposing that each brigade will have 5000-6000 soldiers, policemen and civilians, the entire ASF will count no more than 30,000, a number far too small to meet the needs. The AMISOM case is somehow symptomatic. Somalia has ten millions inhabitants and the AMISOM area of operation is populated by a smaller number of people (the Mission does not operate in Somaliland). In the first half of 2014, the AMISOM had 22,000 troops and police officers, that is – three/four ASF brigades<sup>84</sup>. On the very basic level it means that one long-term and complex crisis could deplete entire the ASF for years to come, leaving no operational reserves for other urgent situations. The AMISOM experience also shows that the exit strategy of the ASF is a risky one. The concept assumes that the ASF would be deployed for a limited period of time (no more than two years) during which it would control a crisis to an extent which would allow the UN to take over<sup>85</sup>. At the same time, the AMISOM operates in Somalia since 2007 and despite the UN Security Council resolutions and PSC communiqués calling for the UN peacekeeping force to be established six months after the commencement of the AMISOM, no such action has been taken so far<sup>86</sup>. This shows that over-reliance on the UN engagement could be bitterly misleading.

## THE MILITARY STAFF COMMITTEE

Article 13 of *The PSC Protocol*, related to the establishment of the ASF, provides for the creation of the Military Staff Committee. The MSC is an advisory body of the PSC<sup>87</sup>. Specifically, it can propose modifications to the concept of operation (CONOPS), undertake a fact-finding mission in the area of deployment of a peace support operation (as in 2006 in Darfur, Sudan) and submit recommendations on the practical aspects of such operations<sup>88</sup>.

The strong link between the MSC and the PSC stems not only from tasks; both organs are bound by the membership. According to Article 13 of the *PSC Protocol*, in the Committee there are staff officers from states-members of the PSC, participating

<sup>84</sup> AMISOM. *Frequently Asked Questions*, at <<http://amisom-au.org/about/frequently-asked-questions/#>>, 25 August 2014.

<sup>85</sup> J. Cilliers, J. Pottgieter, 'The African Standby Force...', pp. 121-122.

<sup>86</sup> See: Communiqué, PSC/PR/Comm. (LXIX), Peace and Security Council, 69th Meeting, 19 January 2007, Addis Ababa, Ethiopia, <<http://www.peaceau.org/uploads/communiqueeng-69th.pdf>>; United Nations Security Council Resolution 1744 (2007), 20 February 2007, S/RES/1744 (2007), <[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1744\(2007\)>](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1744(2007)>), 6 September 2016.

<sup>87</sup> *Protocol Relating...*, Art. 13 p. 8.

<sup>88</sup> D. Lecourte, 'The Military Staff Committee. A Case for Revitalisation' in: T. Murithi, H. Lulie (eds.), *The African Union...*, p. 78.

in meetings “as often as required”<sup>89</sup>. When matters of great importance are discussed, the MSC may meet at the level of the Chief of Defence Staff of the PSC members<sup>90</sup>. In practice, the meetings are attended by military attaches accredited by the relevant embassies in Addis Ababa<sup>91</sup>.

The establishment of the MSC coincided with the authorization of the African Union Mission in Darfur (AMIS) aimed at containing the conflict in western Sudan. During the first meeting of the Committee in October 2004, the military aspects of AMIS were discussed<sup>92</sup>. Later on, the initial impetus clearly decreased, a fact connected mainly with the lack of human resources. Not all members of the PSC have their military attachés in the Ethiopian capital. Therefore, the MSC meetings are often attended by civilian personnel which is not well-prepared to conduct purely military deliberations. The second problem is that whereas current peace support operations required police and civilian participation, the Committee excludes experts from fields other than the military. Another issue is the lack of political will of some states. Moreover, the exclusive language of many meetings is English which discriminates French-, Arab- and Portuguese-speaking countries. The stagnation of the MSC is partially deepened by the Commission that provides necessary information just before the Committee meetings, thus impeding proper preparation of the representatives<sup>93</sup>.

## THE CONTINENTAL EARLY WARNING SYSTEM

The Continental Early Warning System is another element of the APSA. The introduction of the CEWS is a sign of importance given to the conflict prevention measures. According to Article 12 of the *PSC Protocol*, the purpose of the System is to monitor crisis situations that could potentially escalate in armed conflicts. In order to fulfil its tasks, the CEWS “shall develop an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators, which shall be used to analyse developments within the continent and to recommend the best course of action”<sup>94</sup>.

The structure of the CEWS is based on two levels: continental and subregional. In the AU headquarters in Addis Ababa the Situation Room collects and analyses the data related to crises and conflicts on the continent<sup>95</sup>. According to Article 12 of the

<sup>89</sup> *Protocol Relating...*, art. 13 p. 10.

<sup>90</sup> *Ibid.*, Art. 13 p. 11.

<sup>91</sup> D. Lecourte, ‘The Military Staff Committee...’, pp. 74-77.

<sup>92</sup> *Ibid.*, p. 73.

<sup>93</sup> *Ibid.*, pp. 75-76, 80-82.

<sup>94</sup> *Protocol Relating...*, Art. 12 p. 4.

<sup>95</sup> For a detailed description of the CEWS methodology see: W. El-Ghasim et al., ‘The Continental Early Warning System: Methodology and Approach’ in: U. Engel, J. G. Porto (eds.), *Africa’s New Peace and Security Architecture...*, pp. 91-110.

*PSC Protocol*, similar units shall be established at the subregional level with the aim of monitoring the situation in respective countries and proposing solutions adequate to subregional security complexes<sup>96</sup>. Such centres have so far been created only within the ECOWAS (ECOWAS Early Warning System, ECOWARN), IGAD (Conflict Early Warning and Response Mechanism, CEWARN) and SADC (Regional Early Warning System, REWS)<sup>97</sup>. The lack of similar structures in two remaining subregions has limited the effectiveness of the entire early warning system.

The establishment of CEWS is a complex and long-term enterprise. Although the *PSC Protocol* became effective in 2003, the framework document for the operationalization of the CEWS was adopted three years later. 2008 saw the publication of the *CEWS Handbook* – a set of methodological guidelines on how to collect and analyse the data. In the meantime, the relevant IT tools had been developed. After the signing of the 2008 *Memorandum of Understanding* on AU-RECs/RMs cooperation, the work on closer coordination of action of continental and subregional systems has gained new momentum. From 2008 to 2010 seven meetings between the representatives of the AU and RECs/RMs were held whose purpose was to enhance coordination and information sharing<sup>98</sup>.

Despite some accomplishments, the CEWS is still far from being fully operational. The main problem of the System is the scarcity of human and financial resources. The centre is clearly understaffed, not only with experts from the field of early warning and conflict prevention, but also with IT specialists. Moreover, there is an urgent need of establishment of subregional units in Northern and Central Africa. The above should be seen as basic conditions for the CEWS to become operational and effective<sup>99</sup>.

## THE PANEL OF THE WISE

The next element of the APSA, responsible for peace-making activities, is the Panel of the Wise. This organ derives its legitimacy not only from the *PSC Protocol* but also from traditional African cultures. In precolonial times, an important part of many socio-political structures was the council of elders. Such a council, tasked with the peaceful resolution of disputes, usually adapted a long-term perspective and took into account both the root causes and triggers as well as potential implications of a given judgement.

<sup>96</sup> Ibid., art. 12. p. 2.

<sup>97</sup> See: ECOWARN, <[http://wanep.org/wanep/index.php?option=com\\_content&view=category&layout=blog&id=59&Itemid=99](http://wanep.org/wanep/index.php?option=com_content&view=category&layout=blog&id=59&Itemid=99)>; CEWARN, <<http://www.cewarn.org/>>; Regional Early Warning Centre, <<http://www.sadc.int/sadc-secretariat/services-centres/regional-early-warning-centre/>>, 6 September 2016.

<sup>98</sup> A. Behabtu, 'The PSC and the Continental Early Warning System. Challenges of operationalization' in: T. Murithi, H. Lulie (eds.), *The African Union...*, pp. 49-50.

<sup>99</sup> Ibid., pp. 50-53.

“The Panel of the Wise is a contemporary rendition of the traditional institution of the council of elders”<sup>100</sup>.

The legal basis of the Panel of the Wise is Article 11 of the *PSC Protocol* which says that it “shall advise the Peace and Security Council and the Chairperson of the Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa”<sup>101</sup>. The Panel could act on its own initiative or at the request of the PSC or the Chairperson. A general provision of the *PSC Protocol* was detailed in the *Modalities for the Functioning of the Panel of the Wise* adopted in 2007. The document states that the main aim of the Panel is to “facilitate the establishment of channels of communication between the Council and the Chairperson of the Commission, on the one hand, and the parties engaged in a dispute, on the other hand, in order to prevent such dispute from escalating into conflict”<sup>102</sup>. The Panel could also carry a fact-finding mission in countries or regions where the risk of conflict is particularly high. Moreover, the members of the Panel are entitled to make mediation efforts aimed at enhancing the peaceful resolution of disputes<sup>103</sup>.

The tasks of the Panel are concentrated on mediation and shuttle diplomacy. Any success of such initiatives relies heavily on personal skills of the mediators. Thus, the Panel is “composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent”<sup>104</sup>. The Panellists shall not be active politicians. They serve for a period of three years and are appointed on the basis of regional representation by the Assembly once recommended by the Chairperson of the Commission. The Chairperson of the Panel is selected by the Panellists from among themselves for a period of one year<sup>105</sup>. The first composition of the Panel was appointed in 2007 with the former Algerian president, Ahmed Ben Bella, as the Chairperson<sup>106</sup>.

As the number of disputes on the continent had been high, in 2008 the Panel has determined five criteria of engagement. The Panel would take action when most or all of following criteria are fulfilled:

- a dispute has not gained sufficient international attention,
- an action of the Panel could serve as a support to PSC initiatives,

<sup>100</sup> T. Murithi, Ch. Mwaura, ‘The Panel of the Wise’ in U. Engel, J. G. Porto (eds.), *Africa’s New Peace and Security Architecture...*, pp. 79-80. The authors point four differences between the traditional council of elders and the Panel of the Wise: (1) The PoW does not have any measures to implement its decisions; (2) mediations are not held in public; (3) The PoW has limited human and financial resources and (4) in the PoW there are not only men but also women.

<sup>101</sup> *Protocol Relating...*, Art. 11 p. 3.

<sup>102</sup> *Modalities for the Functioning of the Panel of the Wise as Adopted by the Peace and Security Council at its 100th Meeting Held on 12 November 2007*, part III p. 1, at <<http://www.peaceau.org/uploads/6-pow-modalities1-eng.pdf>>, 6 September 2016.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Protocol Relating...*, Art. 11 p. 2.

<sup>105</sup> *Modalities for the Functioning...*, part IV p. 1.

<sup>106</sup> T. Murithi, Ch. Mwaura, ‘The Panel of the Wise...’, p. 84.



- a dispute is long-term and there is a risk of escalation,
- a dispute declines suddenly,
- there are obstacles in the implementation of a signed peace agreement<sup>107</sup>.

The assessment of the Panel's activities is not an easy task. As noted by Jamila El Abdellaoui: "no detailed information is available on the various missions that the Panel has undertaken thus far, except for the mission of Dr Salim A. Salim to South Africa in the context of observing the country's four democratic elections in April 2009"<sup>108</sup>. The Panel considered e.g. the conflicts in Somalia and coups d'état in Madagascar but it is not possible to determine if the engagement of the Panel went beyond deliberations<sup>109</sup>. Under the auspices of the PoW, seminars and workshops on various crises are organized, for instance in 2008 the topic was post-election violence, whereas in 2010 – the issue of women and children in conflict situations<sup>110</sup>. However, the Panel shows considerably lesser interest in the most important African crises as the preference is still given on *ad hoc* mediations of active politicians.

## THE PEACE FUND IN THE LIGHT OF THE APSA OWNERSHIP ISSUE

The peace and security activities within the APSA are very expensive. The lack of financial resources remains one of the most prominent problems of the entire African Union and impedes the achievement of ambitious goals set in the *Constitutive Act*. Thus, Article 21 of the *PSC Protocol* provides for the establishment of the Peace Fund supplied by the AU budget, voluntary contributions of member states and donations from both the private and the public sector<sup>111</sup>. As shown by recent experience, the Fund would probably be highly dependent on the support of several states. In the first decade of the 21st century,  $\frac{3}{4}$  of the entire AU budget came from five countries: Algeria, Egypt, Libya, Nigeria and South Africa<sup>112</sup>. More than 40 other states contributed only symbolically.

Despite the existence of the Fund, the AU has not been able to finance its most important peace and security initiatives. The costs of peace operations of the AU have been covered almost exclusively by external donors. For instance, in 2007-2013 period the EU funded the AMISOM with over 444 million euro<sup>113</sup>. The AMIS in Sudan

<sup>107</sup> Ibid., pp. 83-84.

<sup>108</sup> J. El Abdellaoui, 'The PSC and the Panel of the Wise' in: T. Murithi, H. Lulie (eds.), *The African Union...*, p. 64.

<sup>109</sup> Ibid., p. 62.

<sup>110</sup> Ibid., p. 64.

<sup>111</sup> *Protocol Relating...*, art. 21 p. 2-3.

<sup>112</sup> J. Cilliers, J. Pottgieter, 'The African Standby Force...', p. 130.

<sup>113</sup> *New EU support to continue improving security in Somalia*, Brussels, 19 March 2013, A 149/13, <[http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/136289.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136289.pdf)>, 6 September 2016.

was dependent on the EU, U.S., Canadian and Japan support<sup>114</sup>. The external-internal funding ratio is meaningful – in 2008-2011 period only 2% of the Fund came from Africa<sup>115</sup>. It can be interpreted in a way that the APSA is not a truly “African solution to African problems”.

The crucial problem of ownership is connected with an issue of the financing of the APSA. The Architecture is certainly owned by African states at the ideological level as the project is supported by both former and current leaders, as well as by the provisions of numerous documents. The principles and goals set in the *Constitutive Act* and the *PSC Protocol* have not been criticized openly by any country. Political ownership, on the other hand, is not so clear. Only a small number of states have contributed troops and equipment to the most difficult enterprises, such as AMISOM and AMIS. The so-called socio-logical ownership – the identification with the project of people responsible for its implementation on the lower levels – seems limited as well. Only a very tiny number of AU and RECs/RMs personnel deeply share the belief in the APSA. Another level of ownership – the technical one – is also not well-developed. Lastly, the financial ownership is not present – in terms of funds, the Architecture is more an external than an African project<sup>116</sup>. To sum up, the APSA is an “African solution to African” problems to a limited extent – the fact that makes it vulnerable for external influences and internal critics.

## THE APSA AND NON-AFRICAN STATES AND INTERNATIONAL ORGANIZATIONS

As a project that touches the core aspects of international relations on both continental and global levels, the development of the African Peace and Security Architecture is carefully observed by external states and international organizations. Of particular importance is the stance of the UN, most notably – the Security Council. Article 17 of the *PSC Protocol* stipulates that the PSC should cooperate with its UN counterpart as the Security Council “has the primary responsibility for the maintenance of international peace and security<sup>117</sup>”. Moreover, the PSC and the Chairperson of the Commission shall stay in close contact with the UNSC and the Secretary-General, i.e. attend regular meetings on the highest level. The very first meeting of this kind was organized in 2007<sup>118</sup>.

<sup>114</sup> W. Lizak, *Afrykańskie instytucje...*, p. 336.

<sup>115</sup> J. Vorrath, *Imbalances in the African Peace and Security Architecture. The Current Approach to Capacity-building Needs to be Challenged*, 2012, SWP Comments, C 29, p. 1, at <<http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?lng=en&id=153626>> [proszę podać adres strony z dokumentem] <[https://www.swp-berlin.org/fileadmin/contents/products/comments/2012C29\\_vrr.pdf](https://www.swp-berlin.org/fileadmin/contents/products/comments/2012C29_vrr.pdf)>, 25 August 2014.

<sup>116</sup> See: O. Bachmann, *The African Standby Force...*, pp. 60-61.

<sup>117</sup> *Protocol Relating...*, Art. 17 p. 1.

<sup>118</sup> O. Aginam, ‘Turbulent Marriage or Peaceful Divorce? Forecasting the Future Relationships of the PSC and the United Nations Security Council’ in: T. Murithi, H. Lulie (eds.), *The African Union...*, p. 223.

In 2010, the United Nations Office to the African Union (UNOAU) has been established<sup>119</sup>. The UNOAU “integrates the various UN peace and security presences in Addis Ababa: the UN Liaison Office, the AU Peacekeeping Support Team, the UN Planning Team for the AU Mission in Somalia and the administrative functions at the Joint Support and Coordination Mechanism of the AU-UN Hybrid Operation in Darfur<sup>120</sup>. The Office became operational in February 2011<sup>121</sup>. Moreover, the PSC could ask the UN for political, military, financial and logistical support of its activities<sup>122</sup>.

The *PSC Protocol* does not determine certain controversial issues, particularly the one related to the situation in which the PSC would authorize a humanitarian intervention without prior UNSC consent. According to Article 39 of the *UN Charter*: “the Security Council shall determine the existence of any threat to [the] peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”<sup>123</sup>. What is more – according to Article 53 – “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”<sup>124</sup>. Both provisions mean that the PSC touches the matters reserved for the UNSC every time it authorizes peace support operations or humanitarian interventions, and even when it states that a particular situation constitutes a threat to continental or subregional security. Legally, no actions of this kind shall be taken without prior consent of the Security Council. In some controversial cases, when the state of play within the UNSC would limit the possibility of any meaningful action, there could be a conflict between the “passive” UN and the AU, willing to take ambitious decisions. Regardless of such considerations, the UN has actively supported the AU. In 2006 the UN Secretary-General and the Chairperson of the Commission signed the document called the *Declaration on Enhancing UN-AU Cooperation: Framework for the Ten-Year Capacity Building Programme for the African Union*<sup>125</sup>.

<sup>119</sup> United Nations Ten-Year Capacity Building Programme for the African Union. First Triennial Review (2006-2009). Final Report, November 2010, <[http://www1.uneca.org/Portals/rcm/2011/Documents/AU%20Ten%20year%20capacity%20program\\_Eng.pdf](http://www1.uneca.org/Portals/rcm/2011/Documents/AU%20Ten%20year%20capacity%20program_Eng.pdf)>; Briefing on UN Support for Au Peacekeeping, Security Council Report. Update Report, 16 June 2011, No. 2, p. 1, at <<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Update%20Report%2016%20June%202011%20Briefing%20on%20UN%20Support%20AU%20Peacekeeping.pdf>>, 25 August 2014; O. Aginam, ‘Turbulent Marriage...’

<sup>120</sup> Briefing on UN Support...

<sup>121</sup> Ibid.

<sup>122</sup> *Protocol Relating...*, art. 17 p. 2.

<sup>123</sup> The Charter of the United Nations, 26 June 1945, Art. 39, <<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>>, 25 August 2014.

<sup>124</sup> Ibid., Art. 53.

<sup>125</sup> For more information about the UN-AU cooperation see: *United Nations – African Union Cooperation*, <<http://www.un.org/undpa/en/africa/un-au-cooperation>> and M. Derblom, E. Hagstrom Fri-sell, J. Schmidt, *UN-EU-AU Coordination in Peace Operations in Africa*, Stockholm 2008 (FOI Report, 2602), at <[www.foi.se/ReportFiles/foir\\_2602.pdf](http://www.foi.se/ReportFiles/foir_2602.pdf)>, 6 September 2016.

Another important international partner of the AU is the European Union<sup>126</sup>. The EU has stressed that the cooperation is more a partnership and less a donor-beneficiary relation<sup>127</sup>. In reality, the AU has been rather the receiver of EU assistance. The APSA has been supported particularly through the African Peace Facility. The APF financed the AU actions in Madagascar, Somalia, Sudan, the Comoros, as well as provided funds for capacity building of the AU and RECs<sup>128</sup>. The second tool of EU support is the Instrument for Stability whose purpose is to enhance a variety of activities, i.e. a security sector reform in countries such as the DRC and Guinea-Bissau<sup>129</sup>. Moreover, the EU conducted short-term peace support operations in the DRC (2003 and 2006) and Chad/Central African Republic (2008-2009)<sup>130</sup>.

Some level of support has been given to the AU, RECs/RMs and African countries by individual states. In the 1990s the U.S. limited their engagement in African affairs in a direct manner while promoting and supporting continental peace and security initiatives. In 1996 Washington initiated the African Crisis Response Initiative (ACRI), terminated in 2004 and replaced by the African Contingency Operations Training and Assistance (ACOTA)<sup>131</sup>. African states have also benefitted from the Global Peace Operation Initiative (GPOI). The purpose of the ACRI/ACOTA and the GPOI is to provide training for African peacekeepers<sup>132</sup>. Independently from these programs, the United States Africa Command (AFRICOM) has supported various AU actions, for instance in 2007 eighty million USD were granted for training, equipment and logistic assistance of the AMISOM<sup>133</sup>. The Architecture has also been supported by Canada, France, UK, Germany, Denmark, Norway, Italy, Japan and some other countries<sup>134</sup>. Interestingly enough, China, which is very active in economic cooperation, has been far less engaged in the peace and security partnership. The situation could possibly change in the near future, as in July 2012 Hu Jintao announced the establishment of Initiative on China-Africa Cooperative Partnership for Peace and Security, as well as financial assistance for the ASF<sup>135</sup>.

<sup>126</sup> C. Elowson, *The Joint Africa-EU Strategy. A Study of the Peace and Security Partnership*, Stockholm 2009 (FOI Report, 2736 SE), at <[http://www.foi.se/ReportFiles/foir\\_2736.pdf](http://www.foi.se/ReportFiles/foir_2736.pdf)>, 25 August 2014.

<sup>127</sup> O. Bachmann, *The African Standby Force...*, pp. 54-55.

<sup>128</sup> *Ibid.*, p. 55.

<sup>129</sup> S. Gaenzle, S. Grimm, 'The European Union (EU) and the Emerging African Peace and Security Architecture' in: H. Besada (ed.), *Crafting...*, pp. 83-85.

<sup>130</sup> More on the EU peacekeeping in Africa: *Overview of the missions and operations of the European Union*, <<http://www.eeas.europa.eu/csdp/missions-and-operations/>>, 6 September 2016.

<sup>131</sup> D. Karis, *A Comparative Study of Two Peacekeeping Training Programs: The African Crisis Response Initiative (ACRI) and The African Contingency Operations Training and Assistance (ACOTA)*, at <<http://media.peaceopstraining.org/theses/karis.pdf>>, 25 August 2014.

<sup>132</sup> O. Bachmann, *The African Standby Force...*, pp. 43-44.

<sup>133</sup> *United States Mission to the African Union. AMISOM/Somalia Fact*, at <[http://www.usau.usmission.gov/fact\\_sheet.html](http://www.usau.usmission.gov/fact_sheet.html)>, 25 August 2014.

<sup>134</sup> O. Bachmann, *The African Standby Force...*, pp. 45-54.

<sup>135</sup> *President Hu proposes new measures to boost China-Africa ties*, 19.07.2012, <[http://news.xinhuanet.com/english/china/2012-07/19/c\\_131726133.htm](http://news.xinhuanet.com/english/china/2012-07/19/c_131726133.htm)>, 6 September 2016.

The assistance of states and international organizations in the process of the establishment and strengthening of the APSA shall be perceived as a sign of importance of the initiative. The limited resources of African states make it virtually impossible to operationalize the APSA completely without external support. At the same time, foreign engagement does not go without any risks and disadvantages. First of all, it limits the AU independence in implementing its agenda, for instance without the EU and NATO assistance the conduct of AMIS and AMISOM would not be possible. The overreliance on external support allows the questioning of the character of APSA as an “African solution to African problems”. The Architecture, whose purpose is to give to the AU the autonomous capacity in the field of peace and security has not achieved its main goal. Moreover, there is an urgent need for the determination of some controversial issues related to UN-AU relations.

### THE APSA – A COMPLETE PROJECT ADEQUATE TO PEACE AND SECURITY CHALLENGES?

The Architecture has been constructed on the basis of the catalogue of the instruments for peace and security proposed in the 1992 UN document entitled *Agenda for Peace*<sup>136</sup>. According to the most recent UN document – *United Nations Peacekeeping Operations. Principles and Guidelines* – the international community could take the following course of action: conflict prevention, peacemaking, peacekeeping, peace enforcement and peacebuilding<sup>137</sup>. The elements of the APSA could be assigned to these groups of activities as follows: the Continental Early Warning System is responsible for conflict prevention, peacemaking activities are undertaken by the Panel of the Wise and the African Standby Force provides a capacity to conduct peacekeeping and peace-enforcement actions. The Peace and Security Council makes decisions while the Peace Fund finances the entire structure. It is clear that despite the provisions of Article 14 of the *PSC Protocol*, the missing element is peacebuilding. One of the ASF scenarios has some peacebuilding elements but short-term of deployment (maximum two years) makes such activities – long-term ones by their very nature – virtually impossible. Moreover, within the UN system such tasks are fulfilled mostly by civilians. At the same time one of the most notable problems of the ASF is the slow pace of the development of the civilian unit. As Cedric de Coning puts it: “the overall awareness of the role of the civilian dimension remains very poor. This lack of understanding of the role that civilians play in African peace operations is having a negative effect on the progress of this important aspect and, as a result, the overall development and operationalization of the ASF is affected”<sup>138</sup>.

<sup>136</sup> *An Agenda for Peace. Preventive diplomacy, peacemaking and peace-keeping*, <<http://www.un-documents.net/a47-277.htm>>, 6 September 2016.

<sup>137</sup> *United Nations Peacekeeping Operations: Principles and Guidelines*, New York 2008, at <[http://www.un.org/en/peacekeeping/documents/capstone\\_eng.pdf](http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf)>, 6 September 2016.

<sup>138</sup> C. De Coning, ‘Introduction’ in: C. De Coning, Y. Kasumba (eds.), *The Civilian Dimension...*, p. 8.

The lack of peacebuilding capacity should be seen as a disadvantage of the entire APSA project, considering the recent conflict trends on the continent. The “big” conflicts over the control of major states are over – the civil war in Angola and the Sudan ended in 2002 and 2005, respectively. In the first years of the 21st century, the continent has witnessed mainly low-intensity, localized conflict with rebel groups as main actors, for instance Boko Haram in Nigeria, Al-Qaeda of the Arab Maghreb in Western Sahel and the Lord’s Resistance Army in Uganda and the Central African Republic. Most of these groups show no ambitions to take over entire countries; instead, they promote religious fundamentalism occasionally augmented by secessionist claims. What is significant is that they are supported by marginalized parts of respective societies from peripheries and sometimes receive the assistance of international terrorist organizations. There are also some “purely” secessionist conflicts in Cabinda, Angola, Niger Delta, Nigeria and Casamance, Senegal with economic underdevelopment as the cause<sup>139</sup>. The trends mean that emphasis should be placed on long-term peacebuilding, occasionally supported by peacekeeping and peace enforcement operations. Thus, the APSA seems partially incomplete and partially inadequate to current and possibly future peace- and security-related challenges on the continent.

## CONCLUSION

The APSA is the first comprehensive set of tools whose purpose is to foster peace and security in the post-colonial history of the continent. The Architecture has its roots in the concepts of human security and responsibility to protect the foundations for the right of the AU to conduct humanitarian intervention in a member state that violates basic human rights. The relevant decision is made with a 2/3 majority by the Assembly which proves a fundamental change in thinking on sovereignty in comparison with the OAU. The non-interference in internal matters of the member states has been replaced by the principle of non-indifference<sup>140</sup>.

<sup>139</sup> For more information about the recent trends in African conflicts see: S. Straus, ‘Wars to End! Changing Patterns of Political Violence in Sub-Saharan Africa’, *African Affairs*, Vol. 111, No. 443 (2012), pp. 179-201, at <<http://dx.doi.org/10.1093/afraf/ads015>>.

<sup>140</sup> *Keynote Address by His Excellency Mr. Jean Ping, Chairperson of the African Union Commission at the Round-Table High-Level Meeting of Experts on the “Responsibility to Protect in Africa”*, Addis Ababa, 23 October 2008, at <<https://appablog.wordpress.com/2008/10/23/keynote-address-by-his-excellency-mr-jean-ping-chairperson-of-the-african-union-commission-at-the-round-table-high-level-meeting-of-experts-on-%E2%80%9Cthe-responsibility-to-protect-in-africa/%E2%80%9C/>>, 6 September 2016. According to S. Dersso, Article 4 represents a paradigmatic shift from the OAU’s exclusive focus on state security to the security and wellbeing of individuals and peoples, as encapsulated by the concept of human security. The effect is that principles of sovereignty and non-interference no longer shield states from external scrutiny and even military intervention [...]. S. Dersso, *The Role and Place of the African Standby Force within the African Peace and Security Architecture*, Pretoria 2010, p. 4 (ISS Paper, 209), at <<http://www.issafrica.org/uploads/209.pdf>>, 25 August 2014.



The introduction of new regulations is not an equivalent of the establishment of an effective security regime. A new approach to peace and security requires an internalization of new concepts and ways of thinking by the leaders – a process which is much longer and more difficult than the adoption of the documents. It is important to keep in mind that the AU remains an intergovernmental body. The members of its central organs – the Assembly and the PSC – are representatives of the governments<sup>141</sup>. For numerous authoritarian regimes the provisions of Article 4(h) of the *Constitutive Act* is a source of concern. Therefore, the decision on humanitarian intervention seems rather unlikely. The AU freedom of action is also limited by the traditional consensual way of decision-making. In 2004, when the AMIS was discussed, the states did not over-vote the Sudan. As a result, the AMIS had a relatively weak mandate that made it ineffective and vulnerable<sup>142</sup>. At the same time, the adoption of new documents that emphasize human rights, democracy and good governance could mean that the level of support for such values would grow steadily<sup>143</sup>.

Within the APSA, there are elements responsible for conflict prevention (CEWS), peace-making (PoW), as well as peacekeeping and peace-enforcement (ASF). The lack of a relevant peace-building institution that could consolidate the effects of the CEWS, PoW and ASF actions could potentially decrease the effectiveness of the entire Architecture. Moreover, the enhancement of the financial fundaments of the APSA is the most urgent need. The lack of ownership resulted from overreliance on external donors (mainly the UN, EU, U.S. and other Western states) means that the Architecture is not an “African solution to African problems”. However, it is possible that such state of play will uphold for a considerable period of time, as it yields profits for both sides. The African countries can transfer their peace and security expenses on external donors. On the other hand, the support for the Architecture acts as a shield for non-African states and organizations as they can show their engagement in African matters. More than twenty years ago the Americans suffered a bitter defeat in Somalia. Today, by supporting the AMISOM, the U.S. reduces the risk while demonstrating their assistance to stabilization efforts and the idea of peace and security on the continent.

<sup>141</sup> J. G. Porto, U. Engel, ‘The African Peace and Security Architecture: An Evolving Security Regime?’ in: iidem (eds.), *Africa’s New Peace and Security Architecture...*, pp. 154-155.

<sup>142</sup> S. Schmidt, ‘Through the Lens...’, pp. 32-33.

<sup>143</sup> The most significant documents in which the devotion to the principles of human rights, democracy and good governance was expressed, are: *Solemn Declaration on a Common African Defence and Security Policy*, signed in 2004; *The African Union Non-Aggression and Common Defence Pact*, signed in 2005; *African Charter on Democracy, Elections and Government*, signed in 2007; *Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in situations of Unconstitutional Changes of Government in Africa*, signed in 2009.

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