

# African Union and Its Quest for Peace and Security: Challenges and the Way Forward

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## Abstract

The UN Secretary General remarked that: 'I call on all warring parties to lay down their weapons and observe a global ceasefire. To them I say: Stop the killings and the destruction, and create space for lasting peace.'<sup>1</sup> This statement is apt because there is no society that can progress without peace and security. Thus, at the international level, the UN inserted in its Charter the two concepts of peace and security. In furtherance of this, other regional bodies have followed suit. Because the society was simple in form in those days, it was easy to maintain relative peace and security. Presently, the situation has changed. This is attributed to many reasons ranging from rapid growth in population, modernization, intolerance of people among themselves, etc. As a result of all these and many others, continuous efforts are now geared towards the search for peace and security on the continent; yet, the desired results have not been achieved. In Africa, for example, most parts of the country have faced challenges of insecurity and terrorism, among others. Therefore, this paper is aimed at examining the efforts made by the African Union to promote peace and security among its members. This is desirable because peace and security are the focal points of the AU Charter. Although, one would want to ask what is the extent of achievements of its efforts in achieving this dream? The answer to this question would be revealed in the body of this work.

**Key words:** African Union, Peace, Security.

## 1.0 Introduction:

The African Union (AU), a successor to the Organization of African Unity (OAU)<sup>2</sup> became a legal entity on 26 May, 2001, in Addis Ababa, when its Constitutive Act, adopted on July, 2002, was entered into force. The Act was aimed at reforming, updating, and replacing the provisions of the OAU Charter. Specifically, it was meant to lay emphasis on the principles of democracy, good governance, human rights, etc.

With the over 14 years of existence of the AU or over 52 years when OAU was established, this work intends to make an appraisal of the working system of the Organization with a view to assessing how far it has performed in the years under review, taking into consideration the aims and objectives behind the establishment of the Organization. This work is therefore intended to be discussed under the following headings, namely: (a) Meaning of concepts, (b) Memberships, aims and structure of the Organization (c) Functions of the Organization and its search for peace and security, (d) Impacts made on member states, (f) Challenges of the AU (e) The Way forward Recommendations, (f) And finally, a concluding remark of the work is made.

## 2.0 Meaning of concepts:

### 2.1 Peace

The peace denotes the need to prevent war, conflict, insurgency, violence, etc. in all its ramifications. Thus, the quest for the maintenance of peace is as old as man itself. This explains why the UN in its Charter provides:

... and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security.<sup>3</sup>

From the above, it therefore follows that members of the AU, who obviously form a sizeable number of members of the UN<sup>4</sup> must, and should as a matter of obligations comply with this provision. However, how far has the Union gone in its efforts to ensure lasting peace amongst its members would be some of the issues to be analysed and discussed in this work.

### 2.2 Security

<sup>1</sup>. UN Secretary General, Banki Moon, on the International Day of Peace, 21, Sept, 2015.

<sup>2</sup>. The OAU, now AU, through its Charter was established on 25, May, 1963, but, entered into force on 13, September, 1963.

<sup>3</sup>. Thus, the yearly budgets of the UN Peace keeping, and also that of the AU peace keeping forces have increased tremendously. It is equally as a result of this that the UN under Chapter Vi of its Charter directs its members to seek solution to their dispute through peaceful means, notably, by way of negotiation, arbitration, or judicial means.

<sup>4</sup>. The 54 members of the Union are also a sizeable number of the 193, about 1/4 of members of the UN.

In simple term, security means the protection against danger from any quarter. According to an author, security is the:

quality or condition of being secured, freedom from exposure to danger; protection, safety of a place; feeling or assurance of safety or certainty; freedom from anxiety or doubt; that which secures a means of protection, defence, etc.<sup>1</sup>

In another respect, security defined as:

...absence of danger to the fundamental values of any nation...  
the absence of fear and uncertainty in individuals and in nations  
...the absence of the danger of aggression or domination and the absence of threats to sovereignty, territorial integrity, independence and self-determination...the absence of the danger of denomination through the direct or implied use of military might, as well as through economic, financial and political means of control to dictate and use human or natural potential of another country. Security is to be free from hunger or natural potential of another country. Security is to be free from hunger, disease, ecological, catastrophies and foreign exploitation of human and natural resources. Security has national, international and humanitarian dimension- all of them encompassed by freedom-freedom from fear of all the forms of bondage that are wide spread in the world and reported daily by the media.<sup>2</sup>

The relevance of this can therefore be seen in the mandate of the UN which provides:

...to maintain international peace and security, and to that end to take effective collective measures...

From the above, the UN Security Council is responsible for the maintenance of international peace and security.

### **3.0 Membership, Aims and Structure of the Union:**

#### **3. i Membership**

Presently, AU is composed of 54 independent nations as opposed to 32 members of the Organization when it was established in 1963. It could be recalled that 21 countries gradually joined the Union as soon as they got independence from the hands of their former colonial masters. South Africa, the 53<sup>rd</sup> member joined on 23<sup>rd</sup>, May, 1994. Meanwhile, South Sudan became the 54<sup>th</sup> country that joined the Union, having got its independence from Sudan.<sup>3</sup> It joined in July, 2011. The only African country that withdrew its membership is Morocco<sup>4</sup>, while Burkina Faso and Central African Republic<sup>5</sup> were suspended.

Now, the aims and objectives of the Union would be discussed under:

#### **3. ii Aims and objectives:**

a. to accelerate the political and socio-economic integration of the continent;

There is no doubt that this aim, if pursued with vigour would have helped in uniting and promoting all members of the Union. Unfortunately, certain historical differences among African nations have made this lofty idea to elude the continent. For example, in terms of political integration of the continent, most African countries prefer to look towards the US and the west for supports and guidance. This is equally the truth, when it comes to economic integration of member states. In this context, trade volumes among African countries are very low, if compared with volumes of trade between African countries, US and the west.<sup>6</sup>

b. to promote and defend African common positions on issues of interest to the continent and its peoples;

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<sup>1</sup>. Quoted in: Peace keeping and International Security in a Changing World. Lawrence, O. : Mono Expressions Ltd, Jos, Nigeria, pp. 21-22.

<sup>2</sup>. See Proceedings of the UN Symposium on Global Security for the 21<sup>st</sup> century, Dec. 1986, pp. 51-53.

<sup>3</sup>. In spite of this however, there is no peace between the two countries, a situation which is not too healthy for other neighbouring countries in the region, and also the Union.

<sup>4</sup>. Morocco withdrew its membership in 1984 over the issue of Western Sahara. Majority of the members supported the proclamation made by the Polisario Front in 1976, claiming representation of the Western Sahara. This resulted into the admission of SADR in the AU. Zaire, a close ally, joined morocco. Zaire, under late Mobutu, withdrew its membership, between 1984-1986.

<sup>5</sup>. The two countries were suspended on account of the coups that took place in those countries.

<sup>6</sup>. This can be said to be true in respect of African countries that were colonized by France.

This aim is very important in view of the fact a strict adherence to it would promote unity and integration amongst all the member nations. In this regard, a common problem would be collectively pursued with vigour for the common benefit of all member nations. Therefore, this aim can be looked into under two perspectives.

Firstly, if effectively pursued, it can be used to fight a common enemy. This can be seen in a situation where there is an act of aggression from the within a member state against another member state, or an act of aggression by an external aggressor. Secondly, it could also be used to promote any act that would be of benefits to all member nations. This could be in areas like healthcare, environment, education, security, environment, science and technology, etc.

Unfortunately, however, certain differences such as ideological differences have often been used to make this important aim not to be achievable.

c. to achieve peace and security in Africa;

There is no doubt to say the fact that peace and security are very essential for the effective sustenance and stability of any organization. Therefore, AU as an organization cannot be left out. However, one must admit the fact that acts of terrorism, insurgency, etc. are major challenges facing most African countries. Among them are: Mali,<sup>1</sup> Somalia<sup>2</sup>, Kenya<sup>3</sup>, Egypt<sup>4</sup>, Libya<sup>5</sup>, and Nigeria<sup>6</sup>, among others. The prevalence of these acts in the affected countries are indications that the AU has a long way to go in terms of promotion of peace, maintenance of security and stability on the continent. Therefore, it would be correct to say that the two concepts of peace and security are yet to be fully realised by the Union.

d. to promote democratic institutions, good governance and human rights;

In furtherance of this, democratic governance has come to stay in Africa. At least, no military rule is in place now as military rule is old fashioned. This is therefore a major achievement that has been made by the Union. To consolidate this and also to strengthen democratic institutions, in 2015, presidential elections were held in Nigeria<sup>7</sup>, Tanzania<sup>8</sup>, Zambia<sup>9</sup>, and Burkina Faso<sup>10</sup>. So far, this year, (2016), elections had been held in Niger,<sup>11</sup> Chad<sup>12</sup>, Djibouti<sup>13</sup>, Uganda<sup>14</sup>, and Benin Republic.<sup>15</sup> Those whose elections are to be held later in the year are Democratic Republic of Congo<sup>16</sup>, Equatorial Guinea, Ghana<sup>17</sup>, etc. Yet, this is not to say that the elections that were conducted are not with some challenges.<sup>18</sup> These are evident in Nigeria<sup>19</sup>, Kenya,<sup>1</sup> and Niger.<sup>2</sup> Among them

<sup>1</sup>. The influx of the terrorist groups in Mali has hampered any progress that would have been made in that country.

<sup>2</sup>. The presence Al-Shabab group in Somalia has greatly made Somalia and its neighbours to be ungovernable.

<sup>3</sup>. These are terrorist attacks that were launched by the Al-Shabab group at the Westgate Shopping Mall, Nairobi, Kenya.

<sup>4</sup>. The collapse of the regime of Hosni Mubarak of Egypt, the coup that led to the fall of the regime of Mohammed Morsi, coupled with the events that led to the killings of members of the Moslem brotherhood are all the indicators that more troubles lie ahead in Egypt.

<sup>5</sup>. In spite of the enthronement of late Gadafi of Libya, peace and security are yet to be restored to that country.

<sup>6</sup>. One of the numerous problems and challenges that Nigeria as a nation has to contend with is insecurity and insurgency in the country. This is attributable to the incidences of terrorism and insurgency in the North East of the country.

<sup>7</sup>. The election is claimed to be free and fair, if compared with the 2011 presidential elections in which many lives were lost. However, this is not to say that there were no cases of rigging and other election malpractices. In fact other elections that were later conducted in 2016, specifically in Kogi, and Rivers States of Nigeria showed that we have still not got it right.

<sup>8</sup>. The presidential election was held on 29/10/2015. John Magufuli won with 58% of the votes.

<sup>9</sup>. The presidential election is slated for 11/8/2016.

<sup>10</sup>. Its presidential election would be conducted later in the year.

<sup>11</sup>. Before the February 21<sup>st</sup>, 2016, presidential election in Niger, the former Prime Minister, Hama Hamadou, a candidate in the election was arrested for child trafficking charges. He was in detention throughout the period of rallies and campaigns, voting, and the time of announcement of results. This shows that the processes of the election were not fairly conducted.

<sup>12</sup>. President Idris Derby had been in power since the last 26 years. The results of the April, 2016, presidential election showed that he won with about 62% of the votes.

<sup>13</sup>. The result declared on 8/4/2016 showed that the incumbent, President Ismail Omar Guelleh won the election for the 4<sup>th</sup> time. He has been in power since 1999. The oppositions had since kicked against the results, arguing that it was rigged in favour of President Ismail.

<sup>14</sup>. The presidential election was held on 18/2/2016. President Yoweri Museveni was declared the winner on 20/2/2016. With this result, he has extended his 30 years grip on power. He has been on the throne since 1986.

<sup>15</sup>. The election was held in March, 2016, and the winner had since been sworn in.

<sup>16</sup>. Joseph Kabila has ruled for 15 years. But he is planning for a third term by trying to amend the constitution of the country.

<sup>17</sup>. Presidential election is expected to be held in Ghana, towards the end of the year 2016.

<sup>18</sup>. Elections are still characterized by rigging, violence, snatching of ballot boxes, etc. in most of the elections conducted in Africa.

<sup>19</sup>. The 16 year rule of Peoples' Democratic Party (PDP) in Nigeria witnessed different forms of election malpractices. Even the 2015 presidential election which was acclaimed to be free and fair cannot be said to be totally free of manipulations and other election malpractices.

is the fact that Chairmen and members of the electoral body are often appointed by the ruling party<sup>3</sup>, a situation which the oppositions often kicked against. They argued that party loyalists are often appointed for this post, thereby weakening the democratic institutions in the African countries.

Related to this aim is good governance throughout the continent. To say the least, it is on record that one of the challenges facing Africa as a continent is leadership failure thereby breeding bad governance. Some of the African leaders are corrupt and so the abundant resources which should have been harnessed for development of the people have been mismanaged. This explains why most of these corrupt leaders prefer to die on the throne instead of relinquishing power voluntarily. For example, during the regime of late Mobutu of Zaire, he was said to have been richer than the state. Again, in Nigeria, we have seen the huge amount of government money that was stacked away in foreign bank accounts by the past regimes.

From the above, cases are bound in Africa where riots and street demonstrations, strikes, etc. have to be embarked upon before sit-tight rulers are forced out of office. We have the case of Hosni Mubarak of Egypt,<sup>4</sup> and the late Muhamar Gaddafi of Libya.<sup>5</sup> In addition, when he was alive, Mobutu Sesse Seko of Zaire was one of the longest African rulers.<sup>6</sup> These rulers ruled their countries for decades before they were eventually disgraced out of office.

In Zimbabwe, however, the situation is not the same. Presently, President Robert Mugabe of Zimbabwe has stayed for decades, yet he still hang on to power. All attempts to force him out of power have proved abortive. The electoral processes which would have been used to force him out of power were often characterised by riggings and other forms of electoral malpractices.

On the issue of human rights promotion, most of the African leaders have been criticised for human rights violations of their citizenry. Forms of these violations include physical mutilation, rape, murder in cold blood of the oppositions, amputation of hands and legs, physical abuse of under-aged children, example of which include child soldiers, sexual abuse of under-aged female children. All these were possible, and of course often noticed, on account of prevalence of wars and armed conflicts in Africa. For example, the civil wars in Congo showed that under-aged children were forcefully conscripted into the army.<sup>7</sup> Conscription of children into the armies also took place in the conflicts that occurred in Angola, Burundi, Congo, Liberia, Somalia and Rwanda. All these are forms of violations of the human rights of the children.

In another respect, in Liberia and Sierra-Leone, rape and amputation of hands and legs had occurred in the civil wars. In the Liberian situation, for example, all the groups that participated in the conflict adopted a policy of targeting unharmed civilians who were deliberately killed, raped, tortured, and sexually violated on a routing basis.<sup>8</sup>

e. principles of territorial integrity<sup>9</sup> and non-interference<sup>10</sup> in the internal affairs of member states.

It is on record that this aim and objective are yet to be fully realised. The two concepts of territorial integrity and non-interference in the internal affairs of member states are concepts that run through all the Charters of both the regional and international organizations. But in terms of strict adherence to them, problems are often noticed. In the Liberian civil war, Charles Taylor (a star war lord in the conflict) was supported by Cote d'ivoire, Libya and Bourkina Fasso. These countries provided the training ground, money and weapons for him to execute the civil war.

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<sup>1</sup>. The 2007 presidential election in Kenya witnessed massive killings of innocent citizens in the country.

<sup>2</sup>. The election that took place in March 2016 showed that the main opposition leader was detained in prison on alleged offence of child trafficking. Who will agree that this had not been staged manage to favour the ruling party?

<sup>3</sup>. Under the 1999 Constitution of Nigeria, the President, subject to the approval of the Senate, is to appoint the Chairman of the Independent National Electoral Commission. This has been kicked against by the opposition parties, because it will just be natural that the appointee of the President would normally be a card carrying member of his Political Party.

<sup>4</sup>. It could be recalled that the uprising and regime changes that took place in Egypt in 2011 led to the dethronement of former president Hosni Mubarak, and the emergence of former president Muhammad Morsi. Hosni Mubarak ruled for 30 years.

<sup>5</sup>. Late President Muhammad Gaddafi ruled the country for about 34 years, after which he was killed in the uprising that took place in Libya in 2011.

<sup>6</sup>. During his tenure, he was said to have been richer than the State. He ruled for 32 years (1965-1997), before he was chased out of office after a 7 month rebellion that was led by Laurent Desire Kabila.

<sup>7</sup>. Conscription of children in the conflict was one of the charges filed against Thomas Lubango Dyilo of Congo by the International Criminal Court.

<sup>8</sup>. Jamie O, Connel, here interest meats humanity: how and the war ended support construction in Liberia, and the case for modest American leadership (2004) 17 *heiru. Itum. Rts.* 707, 215-216.

<sup>9</sup>. The problem which this clause has is the artificial boundaries that were created by the former colonial masters. After colonial rule, most of the people that were merged to form a country realised that they don't have much in common. This explained why we had many clashes of boundary disputes amongst the African countries.

<sup>10</sup>. The fact that African countries were colonised by different colonial masters is also a challenge.

The non-observance of these principles is therefore not only violated by member states of the organization, but other countries of the world are also involved. In the same conflict, on the other hand, Israel, Nigeria and the US gave their supports to late Samuel Doe of Liberia.

### 3. iii Organizational Structure

In terms of its organizational structure, the Union is made up of political and administrative bodies, with the highest decision-making body as the Assembly of the AU, and this in turn is made up of all the heads of state or government of member states. Article 5 (a) of the Constitutive Act listed the various organs of the Union. The following are some of its official bodies:

#### a. Pan African Parliament (PAP)

It is expected to become the highest legislative body of the Union. Its seat is at Midrand, South Africa. Its parliament is composed of 265 elected representatives from 54 AU states.

#### b. Assembly of African Union

This Assembly is composed of heads of state and heads of government of states. Now it is the supreme governing body of the AU. Gradually, it is devolving some of its decision-making powers to Pan African Parliament. It meets yearly and makes decisions by concessions or by 2/3 majority.

#### c. AU authority

Its secretariat is composed of 10 commissioners and supporting staff and its headquarters is at Addis Ababa. It is responsible for the administration co-ordination of its activities and meetings.

#### d. African Court of Justice

The AU makes provision for a court of justice with a view of deciding on disputes over interpretation of its treaties. The protocol to set up the court was adopted in 2003 and entered into force in 2009. It may incorporate the existing Africa Court of Justice and Human Peoples' Rights.<sup>1</sup> It has two chambers, one for general legal matters and the other one for rulings on the human rights treaties.

#### e. Executive Council

It is composed of ministers designated by the government of member states. It decides on issues on foreign trade, social security, food, agriculture and communication. It is accountable to the Assembly and prepares materials for the Assembly to discuss and approve same.

#### f. Permanent Representatives' Committee

It consists of nominated permanent representatives of member states. It prepares work for the Executive Council.

#### g. Peace and Security Council:

It was proposed at Lusaka Summit in 2001 and established in 2004 under the Protocol to the Consultative Act, and adopted by the AU Assembly in July, 2002. The Protocol defines the PSC as a collective security and early warning arrangement to facilitate timely and effective response to conflict and crisis situations in Africa. Others are prevention, management and resolution of conflicts, post conflict peace building and developing common defence policies. It has 15 members elected on a regional basis by the Assembly.

## 4. 0 African Union, Functions and its Quest for Peace and Security amongst its Member States:

On its functions, Article 4 of the AU Constituent Charter provides:

The Union shall function in accordance with the following principles;

a. Sovereign equality and interdependence among member states of

the Union;

b. Respect of borders existing on achievement of independence;

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<sup>1</sup>. The court is expected to be a counter force against the International Criminal Court. This is against the background of the fact that the African leaders have kicked against the court because it concentrated most of its indictments in Africa and against African leaders. But it appears that lip service is being paid to the effective take-off of this court. The court was only allocated the sum of 1 Million US Dollar in the AU 2014 Budget, an amount which is rather too small, if we are really serious in our quest to maintain peace and security in Africa.

- c. ...
- d. ...
- e. Peaceful resolution of conflicts among member states of the Union through such appropriate means as they may be decided upon by the assembly;
- f. Prohibition of the use of force or threat to use force among member states of Union;
- g. Non-interference by any member state in the internal affairs of another;

A closer look of the above provision revealed that the contents have some relationships with the aims and objectives just discussed earlier. To start with, sovereign equality is one attribute of statehood and independence of states. It connotes that all member states are equal, not in terms of size, population, etc., but rather in terms of issues affecting member nations. Each state should be allowed to govern its people the way it wants without external interference.

In support of this therefore, the UN Resolution 2625 (xxv) which is equally applicable to all AU members stipulates that:

All states shall enjoy sovereign equality, they have equal rights and duties and are equal members of the international community, notwithstanding differences of economic, social, political or other nature.

Article 3 of the OAU/AU Charter reiterates respect for sovereignty and territorial integrity of each state and for its inalienable right to independent existence. It could be recalled that maintaining and respecting existing borders at the time of independence was and it still very essential, at least, for maintaining peace and stability between regions and sub-regions on one hand and the entire continent on the other hand. How border disputes between two states are handled could either negatively or positively affect both the disputant states, regions, sub-regions and the entire continent as a whole.

However, immediately after the independence of most African countries, one problem which OAU, now AU, had to contend with was the frequent border clashes between member nations. This was not surprising in view of the fact that most of the borders were artificially created by the former colonial masters for their own administrative conveniences and selfish interests.<sup>1</sup> Cases of these border clashes include Nigeria/Cameroun over Bakassi peninsula<sup>2</sup>, Sudan/South Sudan over Abiye<sup>3</sup>, Ethiopia/Eriteria over Badme, Uganda/Rwanda over part of Kabule District, South Africa/Swaziland over Kangwane, Ethiopia/Somalia over Ogaden, Algeria/Libya over South East of Algeria, Egypt/Sudan over Wadi Haifa salint, Burkina Faso/Benin over Koualou, etc. Commenting on this artificial boundary, A British senior officer commented on the border between Nigeria and Cameroun that:

In those days we just took a blue pencil and a rule, and we put it down at Calabar, and drew a line to Yola...I, with a blue pencil, had drawn a line through this territory.<sup>4</sup>

In another respect, it was observed that:

we have been engaged in drawing lines upon maps where no man's foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and river and lakes were.<sup>5</sup>

Meanwhile, as noted above, an important function of the Union is to ensure peaceful resolutions of conflicts between member-states at all times. This function can be seen in many respects. First, before a crisis escalates, the Union, acting as an umpire could mediate through its relevant committees. The aim of this is to ensure that such crisis would not go out of hand. Second, if it goes out of hand and war starts, the AU would still come in through its peace mission.

In the past, its peace mission had carried out this mandate in countries like Congo, Ethiopia, Sudan, Liberia, Ivory Coast, etc. As regards the prohibition of non-use of force or threat to the use of force among

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<sup>1</sup> At the Berlin Conference of 1884, many villages and towns that had nothing in common were merged together. The result of this is disastrous to Africa and Africans. For example, Somali was found scattered into British Somali land, French Somali land, and Italian Somali land. Again, we have the Yorubas found in Nigeria, Benin and Togo.

<sup>2</sup> Legally, this matter had since been resolved following the judgment delivered by the International Court of Justice. The judgment was delivered on 10/10/2012. But, the affected people are still paying for its dire consequences.

<sup>3</sup> This conflict is still ongoing as the two countries are still laying claim over the oil area of Abiye.

<sup>4</sup> Quoted in J.C. Anene: The International Boundaries of Nigeria 1885-1960, 2-3 (1970).

<sup>5</sup> Ibid, p. 3.

member states, the Charter of the Union has categorically denounced this. This is aimed at ensuring that peace and stability is maintained among the member states.<sup>1</sup>

In addition to this is the 1962 OAU Declaration on the problem of subversion under which member states solemnly undertook: (i) not to tolerate any subversion originating in their respective countries against another OAU/AU member state, (ii) not to tolerate the use of their respective territories for any subversive activity directed from outside Africa against any member state of the OAU, (iii) to oppose collectively and firmly every form of subversion conceived, organized or financed by foreign powers against Africa, OAU/AU or its member states individually, (iv) to refrain from conducting any press or radio campaign against any OAU/AU member state.

But, cases are bound where members have flagrantly violated this provision. For example, it is no secret that some African countries have given permissions to some European powers to use their countries as bases for hostile internal intervention in other African countries.<sup>2</sup> It is equally true that some African countries, as part of promoting their interests, sponsored insurgent groups to overthrow the legitimate regimes of some unfriendly states.<sup>3</sup>

Finally, in the scheme of functions expected to be performed by the Union to its member states is the concept of non-interference in the internal affairs of its members.<sup>4</sup> This is aimed at maintaining peace amongst the countries that formed the Union. This rule may not however be absolute, as Israel intervened in Uganda in 1976 (Entebbe raid), Belgium intervened in Congo in 1960, Tanzania intervened in Uganda in 1979, France intervened in the Central African Republic in 1979, ECOMOG intervened in Liberia in 1990, Sierra Leone intervened in the Liberian civil war, while Libya intervened in the Angolan civil war, etc.

## 5.0 Impacts of AU on the Member states:

Undoubtedly, the AU has come a long way. Since 1963 when it was established, the quest to achieve peace and security amongst its members had been its main focus of attention. In its pursuit of these goals, it was able to make some positive impacts on its members. Some of these can be seen under the following sub-headings:

### 5.1 Admission of More States

The admission of more states came from the East, West, North and South Africa. Because of this development, the AU now has 54 members cutting across all nooks and corners of the continent.<sup>5</sup> With this increase in the membership, all member nations are under its umbrella and so regarded as a single entity bounded by a common purpose, aims and objectives. The relevance of the increase in membership is that it serves as a catalyst to promote peace and security among its members. It could be recalled that its population is about 1/4 of the world population<sup>6</sup>, with a sizeable number of its members as members of the UN. This situation made it to be reckoned with amongst the comity of nations. Thus, its sizeable numbers at the UN General Assembly had been used in the past to press for the demands of issues that will help promote an African agenda.

Based on the above, technical and scientific contributions, and developments were pursued with vigour. These were seen through the AU collaborative programmes that were made with the UN agencies like United Nations Educational, Scientific and Cultural Organization (UNESCO), International Labour Organization (ILO), World Health Organization (WHO), etc. These organizations had served as platforms in promoting various forms of developmental projects on the continent.

### 5.2 Decolonization and Independence of Some African Countries

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<sup>1</sup>. See The 1970 UN Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States which proclaims that: "no state shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another state or interfere in civil strife in another states."

<sup>2</sup>. The US, through the US Africa Command (AFRICOM) has military bases in Egypt, Kenya, Burkina Faso, Cameroun, Chad, Ethiopia, Gabon, Ghana, Kenya, Mali, Niger, Senegal, Somalia, Uganda, South Sudan, Djibouti, etc. As a counter measure, China has also established a base in Djibouti. These acts are clearly against the spirit of this provision.

<sup>3</sup>. In the past, Chad has complained against its neighbour of sponsoring insurgents to destabilize the government of Chad. Nigeria has also complained against Chad of harbouring and sponsoring of Boko Haram elements.

<sup>4</sup>. See Article 2 (4) of the UN Charter which prohibits threat or use of force in the internal affairs of states. The only exceptions to this are the use of force in self defence and/or action authorized by the UN Security Council. Though, a UN provision, all AU members, as members of the comity of nations must abide by this provision.

<sup>5</sup>. This excludes Morocco which withdrew its membership in 1984 because of the AU members' supports for the independence of the Saharawi Arab Democratic Republic which was proclaimed by the Polisario Front in 1976. In addition, Zaire, now, Republic of Congo, under late Mobutu, left the membership of the Union from 1984 to 1986.

<sup>6</sup>. The population of the AU countries is 1, 068, 444, 000 people.

One problem which the Organization was faced with at the time of its inception in 1963 was that almost all its members were under foreign domination. However, this situation was gradually reversed because there can be no peace and security if parts of the African countries are under colonial rule. This agenda was therefore followed with vigour with the strong believe that this is within the mandate of its Charter, as reiterated that ‘African States solemnly affirmed their absolute dedication to the total emancipation of the African territories ...’ This commitment was later on followed by the creation of the Committee of Liberation and the Special Liberation Fund to raise funds for the African Liberation Fund Movement.

As a follow up, the Charter provided for the need to abolish colonialism. Thus, it called for the immediate abolition of all armed actions against protected peoples and for an unconditional transfer of power to them. Sequel to this, in 1965, it recognized “the legitimacy of the struggle made by the peoples under colonial rule to exercise their rights of self-determination and independence,” and enjoined all states “to provide material assistance to the national liberation movements in colonial territories.”<sup>1</sup> To this end, the AU partnered with the UN for a successful implementation of this resolution. Thus, in 1970, the UN formally declared colonialism as an international crime, and reaffirmed the rights of peoples to struggle against it “by all necessary means at their disposal.”<sup>2</sup>, and in 1973, the United Nations General Assembly (UNGA) noted that peoples struggling against colonial rule were entitled to use all means, “including armed struggle,” to regain their freedom. In this respect, the inalienable rights of the Palestinian people were recognized. These rights include the right to self-determination without external interference” and “the right to national independence and sovereignty.

Both the UN and AU Charters, through their various resolutions played some significant roles as they were later on used as enabling grounds under which most member nations got their independence from the hands of their former colonial masters. These countries include Angola, Mozambique, South Africa, etc.

### 5.3 Its role on the abolition of Apartheid

It is on record that both the UN and AU played some positive roles towards the abolition of apartheid. Thus, in 1965, the UNGA approved the text of the International Convention on the Elimination of all Forms of Racial Discrimination, which includes a special condemnation of apartheid. In 1966, the UN declared apartheid as crimes against humanity.<sup>3</sup> This was followed by the Convention on the Suppression and Punishment of the Crime of Apartheid.<sup>4</sup> Again, in one of its draft articles on State Responsibility, the International Law Commission (ILC) observed that apartheid constitutes a serious crime under international law, and so subject to a special regime of responsibility.<sup>5</sup>

From the above, during the former apartheid regime in South Africa, the UNGA urged the United Nations Security Council (UNSC) to impose mandatory sanctions against South Africa. To give effect to this, it urged all member states to break diplomatic relations with South Africa<sup>6</sup>. Hence, in 1975, the UN declared that the racist regime in South Africa does not represent the people of South Africa. Then, it noted that the people of South Africa have a right to struggle by all means possible to fight against the regime.<sup>7</sup>

Sequel to these events, on the 4<sup>th</sup> of November, 1977, the UNSC imposed a limited arms embargo against South Africa,<sup>8</sup> and it was these collective efforts of member nations of the AU under the auspices of the UN that made the former racist regime in South Africa to come to an end. In fact, most African countries, notably, Nigeria, Ghana, Libya, Egypt, etc. played some key roles towards this struggle. It could be recalled that before this time, Angola, Mozambique, Zimbabwe, e.t.c. got their self-determinations. Therefore, as at today, no country throughout Africa, with the exception of the people of Saharawi Arab Republic, is under colonial domination.<sup>9</sup> The above may not have been directly attributed to the AU, yet, success would not have been recorded without the strong support given by the AU member nations to the UN.

### 5.4 Promotion of Developmental Projects<sup>10</sup>

<sup>1</sup>. This assistance includes moral, finance and even supply of arms and ammunitions so as to make the struggle for independence more effective and relevant.

<sup>2</sup>. This is in consonance with the rights accorded to freedom fighters by the UN, and by extension, all AU member states.

<sup>3</sup>. The violations of these rights and their resistance have often led to wars and disputes at the international level.

<sup>4</sup>. Broadly, other forms of crimes against humanity include torture, genocide, slavery, etc.

<sup>5</sup>. Presently, apartheid is regarded as an international crime under international law.

<sup>6</sup>. This includes member states of the AU.

<sup>7</sup>. It was on the basis of this that the racist regime which perpetrated the crime of apartheid in South Africa came to an end.

<sup>8</sup>. The use of sanctions have proved to serve as an effective means of pressing for a legitimate demands in international law.

<sup>9</sup>. This is with the exception of the Polisario Front which is still fighting for the independence of the people of Saharawi Arab Republic from the hands of Morocco.

<sup>10</sup>. One of the specialized agencies of the AU whose activities have benefited Africans, and indeed mankind is African Energy Commission (Afrec). It is to ensure, coordinate and harmonize the protection, preservation, development and the natural exploitation, marketing and integration of the energy resources of the African continent. It was launched on 11<sup>th</sup> /July/2001.



The UN as a world body created some specialized agencies such as the United Nations Development Programme (UNDP), United Nations Industrial Organization (UNIDO), United Nations Children's Fund (UNICEF), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), etc. With the existence of these agencies, mankind and indeed Africans are able to feel the full and effective impacts of the AU in all areas of human developments. These can be seen in the areas of health, science, education, research, environment, etc. In addition to this, it has also helped in conducting and monitoring of elections in most African countries whose elections have often been characterized by violence and other forms of election malpractices. To this end, election disputes are often reduced to its barest minimum.

### 5.5 Peace Keeping Efforts

The importance of the AU keeping operations is better appreciated in view of the fact that it has helped in ensuring that wars are not escalated or go out of hand in the affected conflict areas.<sup>1</sup> Its peace keeping efforts could be seen in many conflict areas of Africa. For example, in May, 2003, its troops were sent from South Africa, Ethiopia and Mozambique to Burundi to oversee the implementation of the various agreements that were signed in that country. Its troops from Uganda and Burundi were also sent to Somalia. Equally, they were in Burundi where soldiers from South Africa, Ethiopia and Mozambique were deployed to that area. The same thing was also seen in Sudan with a view to maintaining peace in Darfur before the mission was later on handed over to the UN on 1<sup>st</sup> /Jan/2008. It also sent its troops to Somalia. These troops were sent from Uganda and Burundi to help in maintaining peace in that part of Africa.

### 6.0 Challenges facing The African Union:

In spite of the efforts mentioned above in ensuring that peace and security prevail in Africa, the Union has faced some serious challenges. This is unfortunate because its inability to overcome these challenges has made it to lose its bearing and relevance among its members on one hand and among the comity of nations on the other hand. This explained why regional organizations such as ECOMOG, etc. have sprung up. Though, these regional organizations have their real values, yet, the truth is that they are likely to weaken the Union in the years ahead.

Specifically, its inability to overcome some of these challenges had led to increase in terrorism, insurgency, and insecurity in most parts of Africa. Forms of these social vices include bombing, hijacking, political assassination, kidnapping, hostage-taking, intended injury and other related offences. In the course of executing these acts, many people have lost their lives while a substantial number of people were injured and properties worth millions of dollars were destroyed.

As a matter of fact, terrorism<sup>2</sup>, insecurity and instability are major counter measures to progress and development in Africa. On a yearly basis, a lot of funds are expended on security<sup>3</sup>, yet, insecurity and insurgency have been on the increase. In fact, incidences of insecurity are bound in most parts of Africa, and they include the presence of Boko Haram group in the Northern parts of Nigeria and Al-Shabab sect in Somalia. The Boko Haram group can also be found in Niger, Chad, Mali, Cameroun, etc. The activities of these terrorist groups have caused serious security challenges in the affected countries thereby making these parts of Africa to be un-governable.

#### 6. i Insecurity

In brief, few African countries that have caused security challenges to the Union would be used as illustration of the security challenge that was mentioned above. The countries include:

##### a. Nigeria

In the Nigerian situation, terrorism and insurgency showed itself in 1996. The major group operate under the name of Jamatu Ahlil Sunna Ldawati wal Jihad, otherwise known as Boko Haram. The group aimed at the establishment of Islamic state in Nigeria, including the adoption of the Shariah Criminal Courts. It started as a non-violent group until when some of its members were targeted and killed by the Nigerian Police. This was the beginning of their problems with the Government of Nigeria. Thereafter, Mohammed Yusuf, their spiritual leader was killed in a circumstance described by the Human Rights Watch as Extra judicial killing. The vacuum created as a result of the death of Mohammed Yusuf brought the emergence of Mohammed Shekau as the new spiritual leader of the group. Shekau came up with some radical ideas, reforms and ideologies into the group. As

<sup>1</sup>. This explains why about 25% of the AU 2016 Budget has been allocated for peace and security.

<sup>2</sup>. The Convention on the prevention of combating of terrorism was adopted in July, 1991, but yet to be entered into force. This is a signal that the AU is still not ready to fight terrorism.

<sup>3</sup>. Between 2010 and 2011, Nigeria had spent billions of Naira on security, yet nothing on ground to show for it.

a reaction to the injustices caused to its members, the group took up arms against the Police, Government buildings, Churches, Mosques, etc.<sup>1</sup> All these institutions and places were targeted, attacked, and destroyed. Their strong hold areas in Nigeria are Borno, Yobe and Adamawa states. In early 2015, they became so strong and powerful that they took control of about some Local Government areas of Borno state. With this, it declared those parts of Northern Nigeria as an Islamic caliphate.<sup>2</sup> This time coincided with the period when over 200 school girls were abducted from their school in Chibok, Borno state of Nigeria. Till date, nobody is sure of whether the girls are still alive or not. The Boko Haram group used different methods of attacks such as bomb blasts, IED explosives, abduction of school girls, etc.

#### b. Somalia

The main actor in the sphere of terrorism and insurgency in Somalia is Al-Shabab, a military wing of the Somali Council of Islamic Courts that forms parts of the Southern Somalia in 2006. It operates in Southern and Central Somalia. It used guerrilla warfare and terrorist attacks against the Transitional Federal Government of Somalia and its allies, specifically, the African Union Peace keepers and non-governmental aid organizations. Its members can be found in Sudan, Kenya, Tanzania, and some other parts of Asia.

It has a link with the Al-Qaeda group, and was responsible for the bombings and suicide attacks in Mogadishu, Central and Northern Somalia. It was also responsible for the 5 coordinated car bombings that occurred on October, 2008, in the two cities of Northern Somalia, killing about 26 people. It conducted the twin suicide bombings in Kampala, Uganda, on 11<sup>th</sup> July, 2010, killing more than 70 people. It also attacked the AU Peace Keeping Troops in Mogadishu.<sup>3</sup> It killed the Somali Peace Activists, aid workers, civil society groups and journalists.<sup>4</sup> The porous borders and closeness of Somalia to the Arabian Peninsula made it possible for foreign fighters and members of the group to move freely, conduct training and planning of terrorist attacks within and around the country.

In April, 2015, it attacked a University campus in the Kenyan town of Garissa, killing about 147 people in the attack. In September, 2015, it attacked the Westgate shopping mall, Nairobi, Kenya, killing about 67 people. Before this time, in July, 2010, it killed more than 70 people in Kampala, Uganda, when it bombed a bar and restaurant, where people were watching the world cup final.

#### c. Kenya

Kenya also suffered series of attacks at the hands terrorist groups. For example, it was bombed on August, 7, 1998. The Tanzanian Embassy in Kenya was also not spared. In the attack, many lives were lost. The key actors of all these attacks were the Egyptian Islamic Jihad. The attack was launched in retaliation for the US torture of their members and the extraditing of others to Albania for trial.

Another major attack was the one launched against the Paradise Hotel, Mombasa, on November, 2002. Their main targets were the Israel tourists. The key actors of the attack were the Lebanese Jihadist group called the Army of Palestine.

There was also another one in 1980, in which the Palestine Liberal Organization (PLO) bombed the Norfolk Hotel in Nairobi. This attack was launched in retaliation of Kenya allowing the Israeli Military planes to refuel in Nairobi during the raid to free the Israelis that were held hostages at Uganda's Entebbe Airport.

#### d. Algeria

A group known as Al-Qaeda in the Islamic Maghreb (AQIM) operates in Algeria. It is a Sunni Muslim Jihadist that was formed in 1998. It joined Al-Qaeda in September, 2006. Most of its terrorist attacks were targeted against the Algerian security personnel and its facilities. The aim of the group is to establish an Islamic Caliphate in Algeria.<sup>5</sup> Between 2006 and 2007, it attacked convoys of foreign nationals, and also attacked the UN forces in Algiers with a car bomb. In 2008, it attacked the Israeli Embassy in Nouakchott, Mauritania.<sup>6</sup> It operates in Northern Coastal areas of Algeria, parts of Southern Algeria, and Northern Mali.

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<sup>1</sup>. Included in the list are: The 2<sup>nd</sup> /10/15 multiple suicide bombings in Yanya and Kuje, both sub-burbs in Abuja, Nigeria. In the attack, about 20 people were killed, while about 40 others were injured.

<sup>2</sup>. As at the time of this research, they are no longer in control of any territory in Nigeria, having been seriously defeated by the Nigerian soldiers.

<sup>3</sup>. J.E Alubo.: Terrorism, Kidnapping and Cyber-crime in Nigeria, Diamond real Resources Consult, Abuja, Nigeria. p. 51. 68. Ibid.

<sup>5</sup>. This is the same objective of the Boko Haram when it declared some parts of Northern Nigeria as an Islamic Caliphate.

<sup>6</sup>. Joshua, E. A, note 67, pp. 48- 50.

It employs guerrilla tactics and Improvised Explosive Device (IED) attacks. Its sources of funds include extortion of money, kidnapping<sup>1</sup>, etc. In April, 2007, it attacked and bombed Government Ministry and Police buildings in Algiers killing more than 30 people.<sup>2</sup> It was also responsible for the attack that took place on 11<sup>th</sup> July, 2007. It targeted the military barracks in Algeria, in which about 8 soldiers were killed with more than 20 people injured. In 2011, Mauritanian court sentenced a member of the group to death for a US murder. A Joint French-Mauritanian raid of July, 2010, led to the death of some of its members. In 2011, it killed 2 French hostages in an attempted rescue operation.<sup>3</sup> The group was also responsible for an attack that was launched on 19<sup>th</sup> /Nov/15. It attacked a hotel in Bamako, Mali, killing 19 people.

#### e. Sudan

Sudan is a training ground for terrorist groups. These groups are the Hisbolla, Palestine Islamic Jihad, Abu Nidal Organization, and the Hamas. It has been on the US list over acts of state terrorism since 1993. In addition, it was on the UN diplomatic sanction since 1991. Terrorism was brought into Sudan in the 1990s by late Osama Bin Laden. It has training camp infrastructure in the country. Its location with Egypt, Libya, and Ethiopia made Sudan to be very attractive for terrorists.

#### 6. ii Prevalence of Civil wars

With the partial collapse of colonialism and the subsequent gain of independence of African nations from their former colonial masters in the 60's, the OAU, now, AU was established. The main function of the AU is to maintain peace and security on the continent. However, about 50 years after the creation of the organization, the desired peace and security around Africa have eluded us as a people.

In the early 60's, there were secession attempts in some parts of the continent. These include the Katanga uprising in Congo, Polisario front in Morocco<sup>4</sup>, Ethiopia/Eritrea in Ethiopia, Nigeria/Biafra war, etc. Recently, we have the declaration of Somali land from the present Somali. The negative consequences of these are that they set a stage for the disintegration of other parts of the African continent. Thus, since that time till date, the continent has witnessed high incidences of civil wars and armed conflicts. Such conflicts can be noticed in the Darfur region of Sudan, Somalia, Ethiopia, Rwanda, Liberia, Sierra Leone, Libya, Egypt, Central African Republic, Burundi, etc. In most of these conflicts, the AU was unable to successfully carry out its expected roles and functions as spelt out in its Charter.

In another respect, the regime changes in some parts of North Africa and the Middle East should be a source of concern to the AU. These countries include Tunisia, Egypt, Libya, etc. In Libya, for example, the demise of late Gaddafi has still not brought the desired peace and security to the country.<sup>5</sup> This is also the situation in Egypt. In Egypt, the dethronement of Hosni Mubarak ushered in the regime of Mohammed Morsi of the Muslim Brotherhood. He ruled for a year after which he was overthrown by the Army. Some reactions and counter reactions to this sudden change in government led to the killings of thousands of innocent citizens in the country.<sup>6</sup>

Furthermore, the Sudan crisis is still lingering on.<sup>7</sup> When the Southern Sudan got its independence in January, 2011, a lot of people felt relieved because it was thought that the Sudanese civil war would come to an end. Unfortunately, events after the independence of Southern Sudan from Sudan are now to the contrary. The two countries are still fighting over who controls the oil area of Abiye.

#### 6. iii No Existing Permanent Troops

As a matter of fact, the AU needs existing troops of its own to effectively carry out its functions, especially if it wants to carry out its enforcement measures with a view to preventing any forms of threat to peace and security in any part of the continent. Thus, when such needs arose in the past, it often heavily relied on contribution of troops from member nations for purpose of peace-keeping. But in most cases, it was either that the members did

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<sup>1</sup>. This method is also similar to the tactic being used by the Boko Haram group where many school girls are being abducted and taken as hostages.

<sup>2</sup>. Ibid, note 67.

<sup>3</sup>. Ibid.

<sup>4</sup>. Till date, it is yet to gain independence from the hands of the government of Morocco.

<sup>5</sup>. Presently, there are many groups that are laying claim to the control of the central government of Libya.

<sup>6</sup> There seems to be some relative peace in Egypt, but things appear not to be normal, as the Muslim Brotherhood sects are complaining of victimization of its members by the government. It could be recalled that former president Mohammed Morsi, a member of the sect, having lost power, is still being held in detention by the government.

<sup>7</sup>. The Darfur crisis in which President El- Bashir is accused of fuelling is yet to be resolved. It could be recall that his case is still pending before the International Criminal Court.

not send their troops or that they were sent, but it was sent too late.<sup>1</sup> In this case, the threat intended to have been prevented may have been overtaken by events.

However, even if it has its own permanent troops, there could still be a challenge of which country is to command the troops. Or, which country is to give instructions that troops should be deployed to a crisis area, and for what period of time the troops will stay in the affected conflict areas? Or, which country is to bear the cost of maintaining the troops. The reason for this is that the continent has been polarized on ideological differences, which in turn was as a result of colonialism.<sup>2</sup>

#### 6. iv Lack of cooperation with the International Criminal Court

As an alternative to the lack of African Permanent Court<sup>3</sup> in existence, the establishment of ICC was regarded as a welcome development. This is with a view of punishing violators of the laws of war. However, complaints made by the African leaders that the court is only concentrating its investigations in African countries and against African leaders are indications that the court is faced with jurisdictional challenge. The argument has been that the court is being used to pursue western agenda, given the fact that most of those indicted by the court so far are from Africa.

Among those indicted so far include President El Bashir of Sudan over his roles in the Darfur crisis, President Uhuru Kenyatta and Vice President William Ruto of Kenya over the post-election violence that took place in 2007.<sup>4</sup> Others are Thomas Lubango Dyilo of Congo, Charles Ble Goud over the war that took place in Ivory Coast. The two sons of Gaddafi were also indicted by the court over the roles they played in the unrest and subsequent dethronement of Muammar Gaddafi of Libya.

Meanwhile, on two occasions, the court issued warrants of arrest against President El Bashir of Sudan; one in March 2009 and the other one in July, 2010. But the political will to execute these arrest warrants were lacking. Early in 2013, he was in Nigeria for the AU summit. Yet, the warrant of arrest could not be executed. He was also in South Africa thereafter, but nothing also happened.

#### 6. v Low yearly Budgets

The yearly budget of the AU has now increased threefold into billions of Dollars. The 2016 figures stood at 416, 867, 326 US Dollars. 169, 833, 340 is to be assessed on members<sup>5</sup>, while 247, 033, 986 US Dollars is to be sourced from international partners.<sup>6</sup> The obvious reason for this is the fact that its areas of operations have increased tremendously since its inception in 1963. These funds are needed to carry out such activities like the supply of humanitarian reliefs to war areas, execution of peace keeping operations, and maintenance of refugees and the Internal Displaced Persons that have been kept in refugee and IDPs camps.

Good as these activities are, carrying out the works with full successes need a lot of funds. Unfortunately, most member nations don't honour their obligations to pay their dues to the organization.<sup>7</sup> This could either be as a result of the global downfall in the economy, or that most of these countries must have used the little resources at their disposal in prosecuting wars of various forms.<sup>8</sup> These countries had engaged themselves in one civil war or the other that ran through the last two decades. Yet the budget of peacekeeping kept on rising on a yearly basis. The long effect of this is that failure to pay the dues will affect the programmes it wants to carry out in a particular year.

#### 6. vi High number of Refugees and Internal Displaced Persons<sup>9</sup>

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<sup>1</sup>. A major cause of this altitude is the insecurity of the lives of the AU's troops. Thus, most countries are often not willing to send their troops for peace keeping operations.

<sup>2</sup>. The colonization of the African countries by Britain and France led to the division of the continent into what is now termed as Anglo and Francophone speaking countries.

<sup>3</sup>. The AU Court of Justice was merged with the African Court on Human and Peoples' Rights to form a new court: African Court of Justice and Human Rights (ACJHR). It was adopted in 2003, and entered into force in 2009. The merger Protocol was adopted in July, 2008, and it is based in Arusha, Tanzania.

<sup>4</sup>. We should not forget the fact that both President Kenyatta of Kenya and his Vice president were indicted over their roles in the violence that took place in Kenya, in 2007.

<sup>5</sup>. The wealthiest members of the AU, namely, South Africa, Nigeria, Angola, Egypt, Libya, and Algeria, are expected to pay 60% of the AU budget.

<sup>6</sup>. These are Canada, Sweden, Germany, Netherlands, US, UK, Spain, China, Turkey, World Bank, and the European Union. These partners contributed 2/3 of the budget, a situation which is not too good for the development of the continent.

<sup>7</sup>. Carrying out its major programmes would be adversely affected because of either late arrival of funds or lack of payment of funds from either the donors or the members themselves.

<sup>8</sup>. It is on record that most of the wars in Africa last for about a decade or more than that.

<sup>9</sup>. This is referred to as someone who is forced to flee his or her home but who remains within his or her country borders. This person could be referred to as refugees if they cross from their country of origin to another country.

Prevalence of wars, terrorism, insurgency, e.t.c. have resulted into the problems of Internal Displaced Persons, and Refugees that have been forced to flee their homes, and take refuge in camps. This is a serious challenge to most African countries, and the AU. What this translates into is how to effectively manage them in these various camps.<sup>1</sup> The countries affected by this challenge are: Ethiopia, which has about 200, 000 IDPs as a result of Ethiopian-Eritrean war, Kenya has about 250, 000 because of the violent that rocked the country as a result of the 2007 elections, The Democratic Republic of Congo has about 1.5million as a result of the second Congo war, Somalia has over a million as a result of the civil war, Sudan has between 5-6 million because of its long decades of war and the Darfur crisis in the west, Uganda has about 869,000 due to the insurgency of the Lord Resistance Army (LRA). Nigeria has its own as a result of the Boko Haram activities in the North East of the country.<sup>2</sup> In addition, the civil war that led to the ouster of late Gaddafi of Libya has made the citizenry to flee to neighbouring countries like Niger, Mali, etc. The war has therefore made them to seek refuge in the neighbouring countries. To maintain them in the camps needs a huge amount of money. Unfortunately, this money is not there. Therefore, a point of emphasize here is that the failure of the AU to prevent wars, terrorism, insurgency, etc. has in turn led to the problems created by both the refugees and the Internal Displaced Persons. This is therefore a major challenge which the AU has to cope with in the years ahead in its search for peace and security in Africa.

#### 6. vii Target of AU peace keepers for attacks<sup>3</sup>

Another area of challenge is on how to provide enough security to its staff that is being sent on peace keeping missions and enforcement in conflict areas. In most areas where it has sent its staff to maintain peace, they are either been attacked or killed in cold blood. This is in addition to the fact that its buildings are often the targets of attack and bombardment.

The reason for this insecurity is attributed to the fact that parties to the conflict or the inhabitants of the areas where its staff have been sent to maintain peace keep look at them with suspicions. Hence, they are more or less regarded as enemies that should not be trusted. For example, some of its troops were killed in the Darfur region of Sudan, on 15<sup>th</sup> /July, 2013.

Related to the above discussion is the Kenya's attack in August, 2003, by the Al-Shabab group. This was done in retaliation against the Kenya's troops that were sent as part of the UN troops that were deployed to Somalia on peace mission in that country. Al-shabab also attacked the AU base in the South western Somalia. This was launched on January, 2015.

#### 6. viii Geographical location of the Continent

The geographical location of the Continent is a disadvantage. Because of the arid and semi-arid position of the continent, most of the countries in Africa have suffered for it. Thus, draught and desertification<sup>4</sup>, flooding<sup>5</sup>, in-adequate rainfall or late-coming of rainfall<sup>6</sup>, environmental pollution,<sup>7</sup> erosion<sup>8</sup>, famine<sup>9</sup> and other related environmental issues are major challenges facing the continent. These are enormous problems which the AU has to contend with.

As it is, it would take a long time before these issues are finally solved by the AU. This means that before this is done, people in Africa and their environment will continue to suffer for some time in future. This is therefore a danger to the continent.

#### 6. ix Possession of Illegal weapons

One of the dire consequences of conflicts in Africa is the circulation and possession of weapons in the hands of people not legally entitled to them. This incidence makes it difficult for the authority to know the number of

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<sup>1</sup>. The 1954 Convention did not envisage the problems being encountered by the Refugees now.

<sup>2</sup>. Added to this is the problem of ethnic and religious crisis. These include the problem between the Fulani herdsmen and the Agatu people of Benue state, Nigeria.

<sup>3</sup>. The president of Burundi threatened to fight the AU forces. He said the arrival of the 5000 troops after months of violence amount to attack and violation of its borders. This, coming from a sitting African leader is not healthy for the prestige of the African Union.

<sup>4</sup>. This is a source of concern to countries like Niger, Mali, Sudan, Ethiopia, Somalia, etc.

<sup>5</sup>. National Emergency Management Agency (NEMA) predictions of 2005 showed that some parts of Northern Nigeria would be adversely flooded. This portends danger in view of the background of destruction caused to some of these areas in the previous years.

<sup>6</sup>. This is evident in the arid and semi-arid areas of Africa.

<sup>7</sup>. This is a major problem in parts of the South East of Nigeria where as a result of the activities of oil companies, lands for farming, and rivers for fishing activities in the areas have been badly affected.

<sup>8</sup>. This is noticeable in the Southern parts of Nigeria.

<sup>9</sup>. It is predicted that this is likely to occur in Niger, Ethiopia, Mali, etc.

arms in circulation, or those who are holding them legally or illegally. The danger here is that these arms are often being used for illegal purposes or they would be illegally used in future when there is a crisis in a country. We should not also forget the fact that the porous nature of borders of most of the African countries; make them easy for smuggling of illegal weapons. Western countries that manufactured and sold these without due process have not helped matters. They have indirectly helped in prolonging the wars and conflicts that took place in Africa.

From the above, this explains why the conflict in Libya has been sustained so far because both the opposition and the government got supply of arms and ammunitions from outside. To this extent, the US and the West have been accused of supplying the opposition with arms and ammunitions. This therefore means that the conflicts in Africa would continue for some time in future, unless a permanent means of how they would be stopped are employed.

## **7.0 The Way Forward and Recommendations:**

Having looked at the challenges of the AU since the last 50 years of its existence, a lot needs to be done so as to achieve the desired objectives in the years ahead. It is in the light of this that the writer intends to proffer some recommendations for better and efficient performance of the organization. Some of the recommendations include:

### **i. Evolution of Good Governance in Africa**

Undoubtedly, Africa is faced with a lot of challenges, among which include frequent civil wars, inter-tribal wars communal clashes, terrorism, insurgency, etc. Leadership failure and bad governance, corruption, sit tight leaders in Africa, etc. are some of the causes of the above mentioned vices. Indirectly, the prolonged executions of civil wars have weakened the economies of these nations. Some of them have therefore largely depended on aids from the western world and some non-governmental organizations. For example, in spite of the yearly foreign aid being received by the deposed Hosni Mubarak of Egypt from the US, corruption was still high amongst the high ranking public officers in Egypt.<sup>1</sup>

As a way forward, African leaders should be made accountable to their people by embarking on people-oriented programmes. This will in turn reduce the urge and tendency to embark on conflicts that are avoidable. If this is done, it will be better for the continent, and this would indirectly help the AU whose primary functions is the maintenance of peace and security in Africa.

### **ii. Strengthening of Institutional mechanisms to punish violators of the laws of war<sup>2</sup>**

In the introduction of this work, it was pointed out that civil wars, terrorism, insurgency, etc. are challenges facing most parts of the countries of Africa. In some of these areas where conflicts have taken place, attempts were made to punish the aggressors. These were done through a setting up of international tribunals to punish violators of international law. Therefore, the trial of Charles Taylor showed a good development in international law. Before now, the International Criminal Tribunal was created to try those involved in the killings of innocent civilians in Rwanda. To this effect, many accused that appeared before the court were tried and convicted as charged.

In the past, the elected President of Kenya and his Vice President were indicted over their roles in the post election violence that took place in that country. The delay or refusal to punish them would send a wrong signal that AU would condone acts of aggression and criminality. The delay would also show that the system seems to be weak, and used in favour of some powerful individuals. It is therefore recommended that strong institutions are put in place to punish violators, and within a minimal delay. In addition, the Court of Justice of the Economic Community of West African States (ECOWAS) and the East African Court of Justice (EAC) should be strengthened for effective and speedy dispensation of justice.

### **iii. Curbing High incidences of civil wars Around the Continent**

The wars in Sudan, Mali, Somalia, Congo, are obvious indicators that the AU, at 52 years of its existence has not curtailed war. This is in addition to the recent crisis in Libya, Tunisia, Egypt, etc. In fact, almost all parts of the African nations have experienced one form of conflicts or the other. This is very disheartening as it is a negation of the principles and objectives of the AU Charter and therefore a minus against it. In this respect, it is recommended that all the indicators which make a resort to conflicts should as much as possible be minimized. This would therefore include good judicial system, creating job opportunities, good health care facilities,

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<sup>1</sup>. This was one of the reasons that led to mass riots that were staged against the regime of former President Hosni Mubarak of Egypt in 2011.

<sup>2</sup>. As a matter fact, the system of adjudication should be strengthened so that disputes between two or more people should be settled so as to avoid the use of self-help that would be counter-productive to the system.

improvement in the education sectors, better job opportunities for the citizens, accountability in all facets of governance, reducing high rate of poverty, reduction of corruption in the public sectors, etc.

#### iv. Control of Manufacturing and Sales of Arms

As a matter of fact, it is desirable that the AU, through its specialized agencies should find a way of how to control and regulate the production of arms and their sales. Most of the wars being fought have been fought through purchase of arms and ammunitions that have either been produced locally, or, purchased from US and other western countries. The reason of this is glaring: No war can be effectively fought without these arms. Even when these wars have ended, large quantities of arms and weapons often found their ways into the hands of armed bandits who thereafter use them for acts of criminality. The net effects of these are that insecurity and lawlessness would be in the increase in the affected areas. Therefore, unless this is done, the lasting peace, security and development which the continent and its people desire will be far away from us.

#### v. Harnessing African Natural Resources for Public use

Africa is endowed with many natural resources. These include gold, salt, cobalt, uranium, diamond, minerals<sup>1</sup>, gas, copper, bauxite, silver, petroleum, cocoa beans, timber, iron, oil,<sup>2</sup> etc. If these are harnessed, they will raise the GDP of most African countries. It will create job opportunities for the youth, thereby getting them engaged in productive sectors of the economy which will in turn reduce high incidences of poverty on the continent. According to the Africa Progress Report, African economies could lift millions out of poverty and improve the prospects of generations to come. This is coupled with the fact that African population is the second largest and second most populous continent on earth, and which is about 1.033 trillion people.

#### vi. Emphasizing the roles of the Sub-regional bodies

In the past, and even presently, sub-regional bodies have proven their relevance and usefulness in terms of the maintenance of peace and security in the sub-regions. Example of this is Economic Community of West African States (ECOWAS)<sup>3</sup> in the great role it played in ending the civil wars that engulfed the West African countries of Liberia and Sierra Leone. To maintain peace and security in Africa, it is therefore desirable that there should be a synergy between the African Union and these sub-regional organizations<sup>4</sup> so as to have an everlasting peace and security in Africa.

#### vii. Identifying troubled-spot Areas in Africa

To make things easy, troubled-spot areas in Africa could be identified with a view to resolving those crisis that are likely to explode in future. Here, the parties and the nature of the conflict should be identified in good time. The aim of this is to explore means of amicable settlement before they get out of hand. Such troubled-spot areas in Africa include Niger, Chad, Burundi, Libya,<sup>5</sup> and all other countries where the incumbent presidents have secured third tenures<sup>6</sup>. In addition is the case of South Sudan.<sup>7</sup> In this regard, what causes the conflict should be identified, after which the means of how to end it should be explored. Therefore, parties to the conflict should be contacted in good time. In addition, powerful political leaders and other influential personalities in the affected countries should also be identified. The need for this is to engage all of them on how to resolve the crisis at hand. If this is done with success, it will help a lot in preventing unnecessary waste of human lives. In addition, resources that would have been used in prosecuting such conflicts would then be diverted for other better uses of the citizenry.

<sup>1</sup>. Its mineral reserves account for 30% of the world.

<sup>2</sup>. Five African countries, namely: Nigeria, Libya, Algeria, Egypt, and Angola are all producing countries, and account for 85 % of the oil production on the continent.

<sup>3</sup> Within ECOWAS, there is in existence a Mechanism for conflict prevention, management, resolution, peace keeping and security.

<sup>4</sup> These include Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD), Economic Community of Central African States (ECCAS) and Southern African Development Commission (SADC). All of these organizations could also play such role in the sub-regions.

<sup>5</sup> In the case of Libya, since the demise of late Muhammad Gaddafi, there are many opposition groups that lay claim to the control of the central government in Libya.

<sup>6</sup> In spite of the fact that electoral umpires have declared the presidents as winners in the presidential elections, the oppositions have condemned the results. Therefore, their grievances should be looked into with a view of pacifying them.

<sup>7</sup> Although, a rebel leader, Riek Machar, was sworn in as First Vice President of Sudan on 26/4/2016, by President Salvar Kiir Myardit of South Sudan, yet this may not necessarily mean that the challenge facing the country has come to an end. It could be recalled that a dispute erupted into a conflict in South Sudan, in December, 2013, killing thousands of people. And the key actors in the conflict were both the President and the newly sworn in Vice President. So, how this new relationship would translate into peace and stability in the country, only the future event shall tell.

## 7.0 Conclusion:

This paper pointed out the evolution of the AU, following the attainment of independence of most of the countries in Africa. This was later on followed by a brief history, structure and functions of the AU. Its impacts on members were discussed. This was followed by some challenges being faced by some of the member nations. In an attempt to redress some of these challenges, the way forward for purpose of an effective and formidable future existence of the Union were looked into. This is by way of making some recommendations so that the Union would wax stronger in future. However, whether all the stakeholders in the administration of the AU would look into these and implement same, only future and unfolding events shall tell. Yet, one thing is certain and that is there is the need to have some serious thoughts on these recommendations so as to make African countries relevant amongst the comity of nations. Otherwise, a time would come when regional organizations or a stronger nation on the continent would usurp the expected roles and functions of the AU.<sup>1</sup>

## BIBLIOGRAPHY AND REFERENCES

### Cases

Prosecutor v Charles Taylor. Case No. SCSL-03-01-A  
Prosecutor v Thomas Lubango Dyilo. Case No. ICC-01/04-01/06.  
Cameroun v Nigeria: Equitorial Guinea Intervening. Judgment, ICJ Reports, 2002.

### International Statutes

OAU Charter  
UN Charter  
AU Charter  
ICC Statute (1998)

### Books

Epiphany, A, Laura, A: Law of wars and the use force: A publication of the Nigerian Institute of Advanced Legal Studies, Lagos, 2014.  
Frits, Kalshoven and Liesbeth, Zegveld: Constraints on the Waging of war: An introduction to International Humanitarian Law: A publication of the International Committee of the Red Cross, Geneva, 2001.  
L, Onoja: Peace keeping and International Security in Changing world, Mono Expressions Ltd, Nigeria.  
J.E. Alubo: Terrorism, Kidnapping and Cyber-crime in Nigeria, Diamondreal Resources Consult  
J.C. Anene: The International Boundaries of Nigeria 1885-1960, 2-3, (1970).  
U.O.Umozurike: International Law and Colonialism in Africa (1979).

### Internet Sources

Africa, African Union in Rift without court. BBC New, 3<sup>rd</sup> July, 2009. Accessed on 10/10/12.  
Refugees and Internal Displaced Persons- Internal Displacement: Global overview of Trends and Development<sup>2</sup>in 2006: Internal Displacement Minority Centre (IDMC) April, 2007.

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<sup>1</sup>. ECOWAS has taken the lead in this direction.