

# Chapter 1

## Introduction

### 1 Background

Political instability, challenges to democratisation, unprecedented poverty and ongoing armed conflicts dictate that the African continent remains fraught with challenges to peace and security. While the emergence of non-state actors, most notably terrorist organisations across North and Central Africa, has contributed significantly to destabilising regions, states remain the primary actors across the continent. The establishment of the African Union (AU) following the Sirte Declaration was a turning point in addressing challenges to peace and security. Among these, focus was particularly placed on the promotion of democracy, good governance and the maintenance of continental peace and security.

Nevertheless, some issues seem to be a recurring problem. Most notably are the challenges faced toward transitional democracies and democratic elections by, among others, authoritarian regimes, coups and other unconstitutional changes of government. The subversion of democracy, in turn, has contributed towards direct conflict situations such as insurgencies, armed conflicts and civil wars, and indirectly to the emergence of terrorist organisations and situations that have destabilised entire regions.

At the same time, Africa has become a central focus of the United Nations Security Council (UN Security Council). Since the end of the Cold War and in contrast to earlier years, the number of UN Security Council resolutions concerning Africa have increased dramatically. The significance thereof, where Africa was the focus of merely two resolutions in 1959 to 22 in 1980, 32 in 1995 and 46 in 2006, is that the majority of these resolutions predominantly concern interstate and intrastate conflict on the continent. In 2017, the UN Security Council adopted 27 resolutions focusing on specific situations in Africa, and in 2018 this number stood at 28 resolutions. In 2019, the UN Security Council adopted a further 27 resolutions, the most prominent being on the situation in the Central African Republic, the situation in Sudan and South Sudan, the situation in the Democratic Republic of the Congo (DRC) and the situation in Somalia. UN Security Council practice in this regard has increasingly directed a great deal of attention to conflict situations in Africa (at least over the past three decades), a trend in itself evident from the numerous

resolutions adopted.

Not unexpectedly, peace and security on the African continent is always viewed as the highest of priorities; both among States and regional organisations alike. To this end, both the AU, its Regional Economic Communities (RECs), as well as a plethora of other sub-regional organisations and institutions have devoted a tremendous amount of time and effort in establishing and operationalising mechanisms of conflict prevention, management and resolution. Nowhere is this more evident than in the numerous and extensive treaties, declarations and other policy frameworks spread across every region on the continent. It is these peace and security instruments which form the core of this contribution.

## **2 Purpose of this book**

This book attempts to consolidate the vast and often entangled legal instruments relating broadly to peace and security on the African continent. More specifically, it aims to consolidate a number of legal instruments both on the regional and sub-regional level; treaties and decisions of regional organisations pertaining to conflict prevention, management and resolution in the African regional and sub-regional context. For this reason, documents included in this contribution focus on the AU and its eight RECs: the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).

Several legal instruments relating to the AU's predecessor, the Organisation of African Unity (OAU), are also included. Additionally, in line with the AU's Peace and Security Architecture framework, documents of the Eastern African Standby Force are also included. Finally, agreements and understandings on regional and sub-regional peace and security include structures beyond the AU and its RECs.

This contribution is also an updated and expanded version of the 2006 "Compendium of Key Documents Related to Peace and Security in Africa" edited by Dr Monica Juma. The 2006 compendium was part of an evolving series on peace and conflict in Africa published by the Africa Programme of the United Nations-affiliated University for Peace (UPEACE). It was also the first compendium of its kind to consolidate the numerous peace and security documents of African regional and sub-regional organisations.

This contribution builds on the 2006 compendium with updated legal instruments. In addition, beyond reproducing these documents, it also introduces and details a number of military and peacekeeping missions conducted by the relevant organisations in question, as well outlining key decisions on a topical basis.

### **3 Structure of this book**

This book is divided into ten chapters – each chapter focusing on a specific regional or sub-regional organisation's peace and security instruments. Each chapter is composed of the following: an introduction to the organisation in question which details its establishment, key organs and institutions and its peace and security architecture; a consolidated set of primary and principally binding legal instruments (treaties) either reproduced in full or in part; a secondary set of consolidated instruments which include declarations, institutional frameworks, policies and other agreements, which also either appear in their entirety, by reference or by excerpts; a set of listed additional documents relevant to the organisation in question; and finally, selected (listed) communiqués, decisions and resolutions of the respective organisation's organs or institutions relevant to peace and security.

Chapter two outlines the largest and most comprehensive of these organisations – the AU, as well as its predecessor, the OAU. Chapters three to eight detail the AU's RECs as follows: chapter three deals with ECOWAS, chapter four with SADC, chapter five with IGAD, chapter six with the EAC, and chapter seven with ECCAS. Chapter eight deals with a consolidation of three RECs, all of which, although including peace and security in their respective legal instruments, do not necessarily dedicate specific nor central organs on the matter. These include the AMU, CEN-SAD and COMESA. Chapter nine deals with the International Conference on the Great Lakes Region (ICGLR) – an intergovernmental organisation dedicated entirely to security issues in that sub-region. Finally, chapter ten deals with several ancillary organisations; those not necessarily recognised by the AU as RECs. Legal instruments included in chapter ten include those from the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, the Gulf of Guinea Commission, the Central African Economic and Monetary Community, the Eastern Africa Standby Force, the G5 Sahel, the Indian Ocean Commission, and the Mano River Union.

Finally, the appendices include a list of peace and ceasefire agreements across Africa (listed by country), charts of ratification, a list of useful websites, and a selected bibliography.